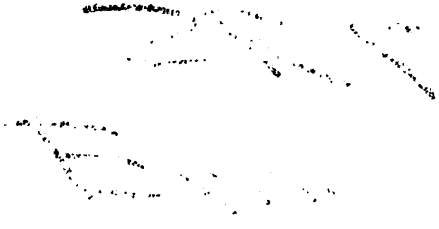

AN

ESSAY

ON

THE EPISCOPATE

OF

THE PROTESTANT EPISCOPAL CHURCH

IN THE

UNITED STATES OF AMERICA.

BY

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PREFATORY NOTICE.

SEVENTY years ago, our ancestors put themselves to much trouble, in order to obtain the Episcopate. They acted wisely. Many and great are the blessings, for which they and their posterity have been indebted to that Divine institution. Still, it may be doubted whether either they duly considered, or we, their posterity, duly consider the full meaning of the institution. It is owing to this, that there have been, at various periods, controversies among us, as to the extent of the authority which belongs to Bishops. It seems to the writer, that an historical examination of the subject would be the best means of settling such controversies, and perhaps of preventing similar questions arising in future. That which our fathers desired was not a mere name, but a real thing, an office having certain functions. An historical inquiry into the nature of the office, would seem to be the true mode of ascer-

taining its powers and duties. The task which I have undertaken, is not an inquiry into the Divine right of Episcopacy, or its necessity to the being or well-being of a Church. These things have been abundantly discussed. Some remarks on a quite different subject seem to be more needed, in the present state of our Communion. The present inquiry relates to the law on the subject of the Episcopate, as it is understood in the Protestant Episcopal Church in the United States; without much regard to the question whether that law be right or wrong, considered with reference to the original principles of Church government. This is the task which I have undertaken. It cannot be performed, except through the medium of historical inquiry.

In an article which I formerly wrote, for a periodical work, I spoke of the subject in words like these:

"The American Church acknowledges and acts upon the great principle of the Divine origin of Episcopacy. But in connexion with that principle, she also holds, and has practically carried into effect, another, probably to its fullest extent. This is, that in all but the essentials of Episcopacy, Church government is under the control of human law. The particu-

lar forms of the human part of her institution have undoubtedly been developed by herself, and have grown out of the position and circumstances, in which she has been placed. These, again, have themselves grown out of her history, and the events through which she has passed. In this particular, she is by no means singular; the same being true of every Church which has ever existed, and being, in fact, a thing necessary to the permanence of the government, and the well-being of the Church.

"But the American Church has developed her government into a form never before seen; because, in truth, her position and circumstances are different from those of any other Church, which has ever existed; and they are so, because her history has been different from that of all other Churches."

Still entertaining these opinions, and perceiving that there is, at this moment, no question pending of a personal or party, character, connected with the matter, I have been induced to make an effort for the diffusion of information, which I have reason to believe is much needed.

HUGH DAVEY EVANS.

College of St. James,
Wash. Co., Md., June 13, 1855.

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CHAPTER I.

OF THE NATURE OF THE EPISCOPATE.

It is not the design of this Essay to maintain those ideas which are sometimes called "The claims of Episcopacy," and which relate to the constitution of the Church, and the perpetuation of its ministry. The present object is only to inquire into the rights and duties of Bishops in a communion in which they are recognized. Passing by, not as unimportant but as foreign to our object, the questions of the Divine right of Episcopacy, and whether it be necessary to the being, or only to the perfection, of a Church, I shall address myself to the questions which relate to the actual position of Bishops in the Church of which I am, myself, a member. The questions which it is designed to discuss, relate, strictly, to what is the polity of the Protestant Episcopal Church, not to the constitution of the Church of Christ. Those to which

allusion has been made, although sometimes spoken of as questions of polity, really relate to more important subjects. They touch, not merely, the government of the Church, but her unity and her very existence.

The American branch of the Anglican Communion so fully recognises the Episcopate, that she has made that recognition a part of the very name which she has assumed. She calls herself the Protestant Episcopal Church. Protestant as rejecting the errors of Romanism; Episcopal as recognizing the Episcopate as part of her own being. Yet she has nowhere set forth any definition of the words Bishop, Episcopal, Episcopate or Episcopacy; nor has she settled the rights and duties which they imply. In common with all the other branches of the Anglican Communion, she declares, that "it is evident to all men diligently reading Holy Scripture, and ancient authors, that, from the Apostles' time, there have been these orders of ministers in Christ's Church—Bishops, Priests and Deacons." And, in common with the same Churches, she enacts that, "to the intent that these orders may be continued, and reverently used and esteemed in this Church, no man shall be accounted or taken to be a lawful Bishop, Priest or Deacon, in this Church, or suffered to execute any of the said functions, except he be called, tried, examined and admitted thereunto, according to the Form hereinafter following, or hath had Episcopal Consecration, or Ordination."

Yet, while she thus recognises the three orders, and speaks of them as "Functions," she has nowhere set down any definition or description of those functions, except in the case of deacons.

This remarkable state of things also exists in every other branch of the Anglican Church. The same thing is in substance, true of every Episcopal Church, which is or has been, in the world. There is nowhere any canon, or other authoritative document, defining, or describing, the office of a Bishop, or prescribing the limits of his rights and duties. Canons there are, both ancient and modern, which regulate the mode of exercising the powers of Bishops, and impose or enforce specific duties upon them; perhaps some may be found which give to them rights, but that is very doubtful. But all these canons pre-suppose the existence of Bishops, as a known order in the Church, exercising authority, and performing duties, before the making of the canons. The first of the canons called Apostolical, probably the oldest document bearing that title, regulates the ordination of Bishops, implying their existence as a known order in the Church. When we pass to the conciliar canons, that is, those which are known to have been formally passed by councils, we are met by the fact, that all the councils, from the very first, were composed of Bishops. No council has ever enacted any canons which did not pre-suppose the existence of Bishops. Nor could it have been otherwise, for there is, in fact, no canon extant, except the diocesan canons of our church, and the seventh canon of the General Convention of 1853, which was not made by Bishops, or at least with their concurrence. I must be understood as referring in the last sentence to conciliar canons. Nobody knows by whom the canons called Apostolical were enacted, or whether they are any thing more than a body of rules, collected by some

unauthorized person from the usages of the Church. Yet they recognise Bishops as a known and existing order, at the time of their compilation; which is supposed to have been during the second century.

That they were so, at that early period, we know, from other and less equivocal sources. Gibbon is always prepared to take that side of any question which is least favourable to the established doctrines and practices of the Church. But the force of truth compels him to admit, that from a very early period, *Nulla Ecclesia sine Episcopo*, has been a fact as well as a maxim, and that after we get past the difficulties of the second century, we find Episcopacy universally established.

The difficulties of the second century are not very formidable, when it is recollected that the existence of Bishops is a fact recognized by every Christian writer of that period of whom there are any remains. In its very beginning, we meet with Ignatius, whose writings contain abundant evidence of the existence of Bishops. This is true, even upon the supposition that all the writings of the Father are contained in the newly discovered Syriac manuscript; which is narrowing them to the smallest compass now assigned to them by any one. The better opinion, however, seems to be, that the Syriac manuscript is only an abridgment of some of his epistles. These epistles were written within a very few years after the death of St. John. Clemens Romanus, Polycarp, Irenæus, and Tertullian, form, with Ignatius, a chain of writers extending from the very beginning to the very end of the second century, all of whom bear witness to the existence of Bishops.

We thus arrive at three conclusions. The American branch of the Anglican Communion recognises the order of Bishops as an ancient institution. She has not defined their functions, or expressly marked out the limits of their powers. The order is, in fact, that which she considers it, a very ancient Christian institution. These things being so, it seems to follow, that those who desire to know the extent of the powers and duties which she attributes to the Episcopate, must learn them from a consideration of the nature of the office, as it was originally instituted, and the history of the manner in which it has been exercised. It has therefore been thought expedient to divide this Essay into four chapters. Of these, the first will treat of the Nature of the Episcopate, at its original Institution. Passing to its subsequent history, we find that it naturally divides into two parts, the history of Episcopacy without and within the American branch of the Anglican Communion. The second chapter will then treat of the History of the Episcopate in the Old World. The third will relate to the History of the Introduction of the Episcopate into the United States. The fourth will bring out the conclusions, to which we may have been conducted, under the name of "The Present Position of the Episcopate in the Protestant Episcopal Church in the United States." This division will, it is thought, afford a place in which everything may be said, which it is necessary to say for the elucidation of the subject.

It is impossible to read the New Testament, without discovering, that, from the first, the Church existed as an organized society. We find it first as a single so-

ciety, existing in Jerusalem. The progress of the Sacred history soon discloses to us several other similar societies, which, to use a modern phrase, were affiliated together. The idea of a society involves that of a government. No society can exist without some sort of governing body. Each of the affiliated bodies was a society, and therefore required a government. The whole collective body being also a society, likewise required a government. The first appearance of the Church as a society, is recorded in the first chapter of the Acts of the Apostles, when the faithful, to the number of an hundred and twenty, met, for the purpose of filling the vacancy in the Apostolic college, occasioned by the apostacy of Judas Iscariot. The society was not then organized; for the Holy Ghost was not given, nor the Apostles endued with power from on high, until the events had taken place which are recorded in the second chapter. We do not, on this occasion, see very clearly who composed the governing body of the Church. The hundred and twenty seem to have acted as a constituency; yet they were not the whole body of the Church, for before that time, as St. Paul tells us, in the first Epistle to the Corinthians, xv. 6, our blessed Lord had been seen of five hundred brethren at once. But in the second chapter of the Acts, we find that the promised gift of the Holy Ghost was given upon the day of Pentecost. That day may be regarded as the birth-day of the Church, which up to that time remained in an embryo state. From that day, we find that the Apostles were the governing body of the Church. The multitude of the disciples were called together in the sixth

chapter, to elect dispensers of food to the poor; but they were called together by the Apostles, and seem to have had no power of action, except as it was allowed by the Apostles, and subject to their direction.

The Church, then, was, at the beginning, confined to Jerusalem, and was governed by the whole college of Apostles; who, up to the period of the first martyrdom, seem all to have resided there. But even at that period, or very shortly afterwards, there were brethren at Damascus. That fact gave occasion to the journey of the persecuting Saul of Tarsus, during which he was converted. About the same time, Philip preached at Samaria. Very soon, "they which were scattered upon the persecution which rose about Stephen, travelled as far as Phenice, and Cyprus, and Antioch, preaching the Word to none but Jews only." Thus it came to pass that there were Churches in other places besides Jerusalem. This led the Apostles, themselves, to travel out of Jerusalem, in the fulfilment of their commission to disciple all nations.

According to ancient historians, these circumstances produced a change in the government of the Church at Jerusalem. The Apostles committed the charge of it more particularly to St. James the Just, who is universally acknowledged to be the author of the "General Epistle of James," one of the canonical books of the Holy Scriptures. It is disputed whether he was one of the twelve Apostles or not; but it is generally agreed that he was the first Bishop of Jerusalem, and the first diocesan Bishop of the Church. It is also agreed that his power of governing the church of Jerusalem was derived from the Apostles. Whether

he held it as a committee of the college, or as a commissioner or delegate, appointed by them but not of their body, is not very material. In either case it would be natural for those of the Apostles, who might, at any time, be present in Jerusalem, to participate in the exercise of his authority; yet it would seem from several passages of the New Testament, that he had, in Jerusalem, some primacy, or superiority.

In this state of things, the government of the Church in Jerusalem seems to have been exercised by those of the Apostles who might be present in Jerusalem, in conjunction with St. James; in whom it was entirely vested when no Apostle, or no other Apostle, was present. But all the Apostles retained a share of power which they could exercise whenever they were at Jerusalem. The Church at Jerusalem enjoyed the presence of the Apostles more frequently than any other Church, and thus acquired a sort of pre-eminence. When an Apostle was present with any Church, he was, for the time, its government. Moreover, on some occasions, the Church at Jerusalem sent forth delegates to take charge of Churches with which there happened to be no Apostle present. Sometimes one or more of the Apostles, themselves, went on such errands, as Peter and John went to Samaria to confirm the converts of the evangelist Philip. At other times, some person was selected who was not one of the twelve; thus, "the Church which was at Jerusalem sent forth Barnabas, that he might go as far as Antioch."

It is now time to speak of the powers of government. These are generally divided into three classes, Legislative, Judicial, and Executive. The first is

really nothing more than the application of the Divine law to certain classes of cases. This involves, first, the interpretation of the Divine law, next, the comparing it with circumstances, and lastly, deciding what is the will of God concerning the actions of men under those circumstances. That which brings a particular power within the scope of the term legislative is, that it relates to entire classes of cases, which are to be disposed of together, without reference to individual cases, and most legitimately before they have occurred.

Judicial power, on the other hand, is altogether concerned with individual cases. It deals with each case by itself, and usually in that which is called the forensic form. This implies a complaint, a controversy, a judge to moderate between the parties and to decide disputed questions. But power which is really of a judicial nature, is sometimes, especially in ecclesiastical matters, exercised without forensic forms. In most cases it may be considered as unsafe to proceed in such modes; which are generally far less likely than the forensic mode to promote the ends of justice. Such modes of action, however, constitute the link, which connects judicial with executive authority.

Executive power is that which is possessed by those persons who are intrusted with the execution of the laws; which it is the office of the legislative power to make, and of the judicial to interpret and apply. Its proper business is with the public force, which it provides, controls, and directs, to protect the subjects from foreign and domestic violence. Another of its duties is to see that the laws are carried into effect. But this relates rather to those laws which relate to the

public at large, than to those which affect the rights of individual citizens. It relates, too, rather to those laws about the meaning and applicability to the particular case in hand of which no question has been made, than to those which have become the subjects of dispute. When questions arise it becomes the duty of the executive to call in the aid of the judicial authority to untie the knot, which in a well regulated society it is not allowed to cut. It must, nevertheless, like every person who is called upon to act under the laws, have, to a certain extent, the right of interpreting them.

In a civil government the executive power is presented under three different phases. When it is engaged in directing the public force on a large scale, it is the most brilliant part of the government, and throws into the shade even the legislative department, whose servant it properly is. While engaged in enforcing the observance of undisputed laws, its position is far less imposing. It is then in immediate subordination to the legislative power, and also in some degree to the judicial, which has the power of overruling and setting aside its determinations. But in the third phase it assumes a still humbler position, being the mere handmaid of the judicial authority, and employed in the execution of its decisions. In this aspect it assumes a different name, and is called the ministerial power. This power is exercised by the humbler servants of the executive authority; who act under the direction of the courts, and are really their servants or ministers.

The little sketch of the nature of the powers of go-

vernment which has just been given, has been drawn chiefly with reference to civil governments. When it comes to be applied to an ecclesiastical government, it must be considerably modified by the differences between the state and the Church. The Church is the kingdom of Christ; but He, Himself, assures us that it is not of this world. From this we may learn that while the Church is an organized society, having a government, that government is founded on principles very different from those on which the governments of this world rest. The Will of God is the ultimate foundation of both; His Will is that men should live under government. But in the next stones which are laid, there are wide differences. These are connected with the ends or final causes, for which the two societies were instituted. The Church is a spiritual kingdom, erected for the promotion of the spiritual welfare of mankind. It is not of this world, because its chief end relates to another. It deals entirely with the spirits or souls of men, and is therefore a spiritual society. The state, on the other hand, is a temporal society, erected for the promotion of the temporal welfare of mankind. Into this material things largely enter. Hence it follows that the state must possess the ultimate dominion over material things. So the dominion of the state is over the bodies and goods of men; that of the Church over their hearts and minds.

The state can, therefore, enforce obedience to her laws, by corporal punishments and pecuniary penalties. These can only be made effectual by the presence of physical force, or the belief that such force is at hand. The protection of the material interests of the mem-

bers of the state from the aggressions of foreign states and their members, furnishes another use for a public force. For this purpose, it must be on a larger scale than is necessary for the maintenance of the internal authority of the state.

The Church can only, so far at least as her private members are concerned, enforce the observance of her laws by spiritual censures. The authority, which in the character of an independent society, she possesses over her own office-bearers, furnishes other means of enforcing her laws upon them. Hence the distinction between clerical and lay discipline. The laity may only be coerced by removal from membership in the Church; the clergy may also be coerced by removal from office. This settles the nature of ecclesiastical penalties, which are all only modifications of the two which have been mentioned. In clerical discipline degradation from the clerical office is the extreme penalty. Suspension is a temporary degradation. Deprivation, which is unknown in our church, is a removal from a more eligible position among the officers of the church to one which is less desirable. Deposition and displacement are only other names for degradation.

In lay discipline, excommunication is the extreme penalty. The lesser excommunication, or separation from the Holy Communion, is nothing more than a milder modification of this. Suspension from the Holy Communion is a temporary lesser excommunication. These are all the legitimate Church censures which are known.

Admonition is, indeed, frequently spoken of as a

Church censure. It sometimes partakes of the nature of one, and is, moreover, applicable to both kinds of discipline. But, in its own nature, it is nothing more than a caution to be more circumspect, lest a worse thing befall the offender. In modern times, it is, nevertheless, frequently awarded as the sentence of an Ecclesiastical court, after a trial in the forensic mode. Under such circumstances it partakes of the nature of a censure.

These peculiarities of Church discipline cannot but produce some effect upon Church government. The Church has no authority over material things, although she has over the actions of men with respect to such things. But those actions she controls by means of Church censures. She, therefore, neither has nor needs any public force. Executive power, then, in its most striking and impressive form, does not enter into the idea of Church government. The Church has no power to inflict corporal punishment, or to compel, by physical force, men to appear before her tribunals. If they refuse to appear, she may treat them as contumacious, regard their contumacy as a confession, and inflict the same spiritual censure or divesting of office as she could have inflicted had the guilt of the accused been established upon the trial which he has chosen to evade. The only ministerial officers which her courts need are clerks to record their proceedings, and an officer to serve notices, who is sometimes called a summoner. Neither of these classes of officers require any authority to enable them to perform their duties. The clerk is only a writer; the summoner only a messenger.

The sentences of the courts address themselves to

the consciences of Christians, binding those upon whom they are laid to abstain from the exercise of the functions or privileges of which they purport to deprive them. Moreover, they bind all others not to assist or acquiesce in the exercise of the prohibited functions or privileges, by those to whom they are thus prohibited. Such censures neither are nor can be inflicted by force, and therefore require no special agency for their infliction. The Church, then, is without an executive power, in its lowest as in its highest form.

Of the intermediate modifications of this class of powers, the Church needs, and therefore possesses, several. These intermediate forms of executive power, as has been already intimated, consist in the power of causing the laws to be observed in cases in which their true interpretation is not drawn into question. Incident to this duty or power, is the right of appointing the officers of government. In the Church, the chief development of this power is in the right of ordination. Another incident to the duty of enforcing the laws, is the right of warning men of the danger of violating them. This, as I have already said, the Church calls admonition. Another portion of the duty of enforcing the laws, consists in bringing those who violate them before the judicial tribunals, in order that such offences may be punished. The exercise of this power involves a certain amount of discretion, as to what cases shall be so brought before the courts. The exercise of that discretion involves again the right of deciding what violations of law ought to be punished. This includes the substance of that which is called the pardoning power. Another of these intermediate modifications

of the executive power, consists in the collecting, keeping and disbursing the moneys required for defraying the expenses of the institution. Without something of this sort, neither the Church nor any other organized institution can subsist.

Judicial authority, the Church also requires. It may be exercised in various modes. The forensic form is that which has been most generally adopted in modern times. When that form is adopted, the judicial authority of the Church does not greatly differ from that of the state, except in the modes of compelling the appearance of the accused, and in the nature of the sentences which are pronounced. These differences are closely connected with the department of executive power, and have been spoken of under that head.

But the judicial power of the Church is not always exercised in the forensic form. It is sometimes administered in a parental manner; the judicial authority then, laying aside forms, proceeds to inquiry and censure, much in the way in which the good father of a family treats similar cases among his children. There is still another mode. It is when the judicial authority assumes the forms of legislative action. This is properly applicable only to questions of doctrine, and to cases in which the censure is intended to apply to the doctrine itself, and not to the promulgator of the doctrine. It also seems proper only where there is no dispute or doubt about the promulgation of the doctrine, but only about its truth or falsehood.

The legislative authority of the Church seems scarcely to differ, in its nature, from that of the state. Both

consist in prescribing general rules, governing classes of cases; which rules are designed as authoritative interpretations and applications of the principles of the Divine law.

Having thus given an outline of the principles of Church government, it may be proper to return to the sketch of the history of the propagation of the Church, which the introduction of that outline interrupted.

We have seen that the doctrines of Christianity were propagated from Jerusalem as from a centre. The Apostles setting out from thence, passed into various parts of the world, converting men to Christianity. They still, however, returned from time to time to the centre, from which they had departed upon their respective missions. The Church at Jerusalem was ordinarily under the government of St. James the Just, either as a committee of the college of the Apostles, or as a delegate appointed by them to administer the government of the Church in that city. The one or the other of these alternative hypotheses will be the true one, as St. James is or is not regarded as one of the twelve Apostles. When any of the Apostles, or any of the other Apostles, if St. James were an Apostle, were present in Jerusalem, they had some share, perhaps the largest, in the government of the central and model Church.

As other Churches were founded, the Apostles, if the founders were Apostles, took upon themselves the entire government of the newly founded societies; or else Apostles, or persons invested with a *quasi* Apostolic power, were sent from Jerusalem to put things in proper order. It sometimes happened, too, that persons

who were not, in a primary sense, Apostles, were sent by a primary Apostle to arrange things in some place where the superior had founded a Church or made converts. These Apostolic legates, as they may be called, seem to have been also called Apostles, in a secondary sense.

The Greek word which is the root of the word Apostle, and which is sometimes translated by it in our version of the New Testament, signifies, primarily, a messenger. It is also sometimes translated by that word. It is not uncommonly said, that the word is used by the inspired writers in two senses; one its primary one of messenger, the other the peculiar one of one of the twelve. It is true that it is used in both those senses; but it seems equally clear that it is also used in other senses. It is, for instance, applied to St. Paul, who was not one of the twelve; yet it is certainly not applied to him in the sense of a mere messenger. But then it is admitted that St. Paul, although not one of the twelve, was their equal, and not a mere Apostolic legate. The word is, however, also applied to Barnabas, whose highest position seems to have been that of an Apostolic legate, sent from the Church at Jerusalem to govern that at Antioch. The expression which is translated "messengers of the Churches," probably imports something more than mere messengers, or it is very oddly coupled by St. Paul in 2 Cor. viii. 23, "Whether any do inquire of Titus, he is my partner and fellow helper concerning you, or if our brethren be inquired of, they are the messengers of the Churches, and the glory of Christ." But by whatever name these men were called, such a class of persons certainly existed. Bar-

nabas, but more especially Timothy and Titus, were of their number. I shall be obliged presently to recur to the cases of the two latter, and inquire into the nature and extent of their authority.

The usual course of events in the planting of a new Church seems to have been this: a Christian or Christians, arriving at a place where the Gospel had not yet been preached, proceeded to make known the name of our Lord Jesus Christ. A few disciples were thus made. These were admitted, by baptism, into membership in the Catholic Church; but they were not at once organized into a particular Church. When the Christians who had commenced the work of conversion had not among them an Apostle or Apostolic legate, this seems to have been a necessary result of their want of authority. In such cases, the Church at Jerusalem, or some Apostle, was called upon to supply the defect. But even when the first conversions were made by Apostles, it does not seem to have been thought expedient immediately to organize the infant Church. It was not until they were on their return from the journey, to undertake which they had been separated by the Holy Ghost at Antioch, that Paul and Barnabas "ordained them elders in every Church." The Churches in which these ordinations took place, were founded in the same cities through which the Apostles had passed on their outward journey. It was upon that journey that they had made converts of the persons who now composed those Churches, and some of whom were thus ordained elders or presbyters. So St. Paul left Titus in Crete, "that he might set in order the things that are wanting, and ordain elders in every

city." But St. Paul had been present in Crete at the time that he left Titus there, and the persons whom Titus was to ordain were doubtless his converts. The work specially imposed upon Titus was the organization of Churches, not the making of converts.

The interval of time which was suffered to elapse between these two operations, was, probably, not usually very long. During that interval, whether long or short, the infant Church was not an organized society, and had no government. The small number of its members and their new-born zeal and love probably rendered government unnecessary. What provision was made in such cases for public worship and the ministration of the Word and Sacraments we are not told. But the time came when the infant Church was organized by the ordination of elders.

These were ministers of the Word and Sacraments, who presided over and conducted public worship. They also possessed certain governing powers. Among these were probably none of a legislative character. These infant Churches required few special rules; what they did require were prescribed by the Apostle, or other superior person who was charged with the care of the Church, either because he had planted it like St. Paul, or been intrusted with the care of it like Titus. Judicial power, the newly ordained elders possessed. This is, in fact, implied in their character of ministers of the Word and Sacraments. The extreme penalty of the Church's discipline is exclusion from her pale; its modifications are limited or perpetual exclusion from the Holy Communion. The power of giving the Holy Communion involves the power of

withholding it. Neither could be properly done without the exercise of a discretion, which, that it might be sound, implied an investigation into facts, and a comparison of them with the law. These two things constitute the substance of judicial action. It is not to be supposed that this action often took a forensic form. The inquiry was more probably made in the mode which I have called paternal; as similar matters are, even now, disposed of in our own church.

The executive powers of admonition, overlooking faults and administering the finances of the Church must also have been vested in the elders or presbyters. These were incident to the government of the particular Church, so far as it had one within itself. Such a government these inchoate Churches doubtless had, although they were subject to a superior exterior government in the person of some Apostle. There is no evidence that the presbyters possessed or claimed the power of ordination.

The authority of the elders or presbyters was held rather in a collegiate form than individually. There was more than one presbyter in each Church or city; for we are told, in the twentieth chapter of the Acts of the Apostles, that St. Paul sent from Miletus to "Ephesus, and called the elders of the Church." There might, then, be more than one elder in a Church. The same thing is implied in the accounts of the ordination of elders, not an elder, in every city. There are not wanting passages in St. Paul's Epistles, which seem to imply the existence of several congregations in one city. But there is nothing to induce the belief, that they were each under the charge of a single pres-

byter. On the contrary, when elders or bishops, which during the New Testament age were equivalent terms, are mentioned, they are generally spoken of collectively. Perhaps the only exception is in 1 Timothy. v. 1, "Rebuke not an elder, but entreat him as a father, and the younger men also as brethren." The authority of the Vulgate is very decided, that the word in this place means only an old man. It is possible that it does so; but it is also possible that it may mean a presbyter. In that case, perhaps, the younger men who are mentioned in contrast, may have been deacons.

The elders were, as is universally agreed, the ministers of the Word and Sacraments. This position implied that they possessed to a certain extent the powers of government; exclusion from the hearing of the Word and the reception of the Sacraments being the ultimate means of enforcing the discipline of the Church, those who minister in such things, and so have the power, at least in the first instance, of admission and exclusion, necessarily have a charge of the discipline of the Church, so far as the laity are concerned. This implies a judicial power although not its exercise with forensic forms. It was probably, in that stage of the Church's history of which we are now treating, exercised, in the first instance, by any presbyter who might be called on to act, while his judgment was possibly liable to revision at some meeting of the whole body.

Whatever the Church needed of executive power was also in the presbyters. The authority of admonition was no doubt, exercised, indiscriminately, by any one

of them. The administration of financial matters was probably committed to the whole body, or, perhaps, to the deacons under its supervision.

Of any legislative power in the presbyters, there is no trace. Nor was there much occasion for it. The supreme law of the Church is contained in the Scriptures. The only proper legislation of the Church consists in the authoritative exposition of this higher law, and its application to classes of cases. But, at the period of which we are speaking, the New Testament was not written, and therefore could not be made the subject of this kind of legislative interpretation. The laws of the Church were, to a great extent, in the minds of the Apostles, and of those few persons who shared with them a traditional knowledge of the Revelation made by our Blessed Lord.

The colleges of presbyters in the several cities, could then have had no legislative power. For the same reason, the internal government of each Church must have existed under the pressure of an external power of government, possessed by the particular Apostle who had founded the Church, or under whose jurisdiction it had, in any way, come. It neither had nor could have any legislative authority. Such an authority for the whole Church existed in the college of the Apostles; though there is only one record of its exercise; that in the fifteenth chapter of the Acts of the Apostles. From this record we may learn an important lesson. It is, that there is no inconsistency between the ideas of a Divinely given authority, and of a human check upon that authority. The authority of the Apostles was Divinely given; but in the deci-

sions of the council of Jerusalem other persons participated. This appears from the letter which St. Paul and St. Barnabas carried back to Antioch; whether we read it, in the greeting, "elders brethren," with the Vulgate, or "elders and brethren," with the authorized English translation. From this it may be fairly inferred, that it is possible to believe the Episcopate a Divine institution, and yet that it may properly be surrounded with such checks as we see do, practically, exist among ourselves.

But the internal government of every Church existed under the pressure of an external authority, which was vested in some of the Apostles. That such a superintending government existed is easily shown by reference to the Epistles of St. Paul, in which frequent instances of its exercise will be found. Whoever attentively studies these epistles, especially those to the Corinthians, will find that the common notion of the perfect unity, and almost sinless condition of the early Christians, has but slender foundation in fact. He will discover in those early Churches a tendency to strife, connected with the prevalence of great errors in theology both dogmatical and moral, and no small amount of practical wickedness. All these things required a firm exercise of Church discipline to keep them under. So far as the laity were concerned, the authority of the presbyters was used for the purpose. But there was no provision for the case of erring presbyters. Moreover, even in cases of lay discipline, evils might arise out of differences of opinion among the presbyters. It was necessary, then, that the external authority of the Apostle should exist. And it did

exist. It comprised legislative authority in even a higher sense, than any in which that kind of authority is now claimed out of the Church of Rome, a power of direction in executive matters, and an appellate jurisdiction in judicial cases. In the case of judicial proceedings affecting elders, the jurisdiction of the Apostle was probably original.

Besides the many instances mentioned in the New Testament of the exercise of such authority, we find St. Paul enumerating among his sufferings, and not as the least of them, the labour to which he was subjected by the care of all the Churches, which came upon him daily. This care was, as the Churches both grew internally and multiplied externally, and as the number of the Apostles diminished, a continually increasing burden. In some cases it would become too heavy to be borne. Besides, questions might arise, which could not be so well disposed of by an absent Apostle as by a present delegate. Hence arose the practice of sending Apostolic legates, or secondary Apostles, to set in order that which was wanting in particular Churches, even although they were already organized by the ordination of presbyters. The case of Timothy, in Ephesus, was an instance of this; although that of Titus, in Crete, seems rather to be an instance of a delegate sent to organize a Church or Churches. It has been disputed whether these persons were settled permanently in the Churches to which they were appointed, and so were Bishops in the modern sense, or had only a temporary and delegated authority, and so were what some persons have chosen to call Evangelists. For our present purpose, it is not very material which

of these theories is the true one. It will be more to our purpose to inquire what was the authority which they possessed. This we shall best learn from the letters of instruction which St. Paul addressed to them. Of these, the reader knows that there are three, which are books of canonical Scripture, the two Epistles to Timothy and that to Titus.

From these we learn, that Timothy had authority to admonish, for he was to charge teachers as to the doctrine which they were to teach, and to rebuke those whom he might consider worthy of rebuke. He had also power to ordain, for instructions are given to him as to the qualifications of bishops, or elders, and deacons, and he was to commit the doctrine, which he had received of St. Paul, to faithful men, who might be able to teach others also. Titus had a *quasi*-legislative authority, for he was to set in order the things which were wanting. He had the power of ordination; for he was to "ordain elders in every city," and instructions are given to him as to the kind of men whom he was to ordain. He had also a direct judicial authority; for he was to reject a man who was a heretic, after the first and second admonition. This implies, not only the power of admonition, which I have classed among executive powers, but, the judicial power of deciding what was and what was not heresy. Both Timothy and Titus were ministers of the Word and Sacraments, as appears from other passages in these Epistles, and from other places in Holy Scripture. If they were stated pastors over their respective Churches, permanently settled, they were plainly diocesan bishops. If they were not permanently all settled, they at least

had all the other qualities requisite to constitute them Bishops, in the sense of Hooker's famous definition.

"A Bishop," says Hooker, "is a minister of God unto whom with permanent continuance there is given not only power of administering the Word and Sacraments, which power other presbyters have, but also a further power to ordain Ecclesiastical persons, and a power of chiefty in government over presbyters as well as laymen, a power to be by way of jurisdiction a pastor even unto pastors." Ecc. Pol. VII., ii. 3, Works, vol. II. p. 137. Am. Ed.

If they were merely occasional delegates sent by St. Paul, clothed with a portion of his Apostolic authority, to do that to which the ordinary governors of the Churches, the presbyters, were unequal, it follows, that there was a necessity for some office analogous to that of a modern Bishop. This necessity grew out of the inadequacy of the powers, which, at the original organization of those Churches, were committed to the elders. The inference is that the Churches thus organized were imperfect Churches; imperfect to such a degree, that their affairs could not be carried on without external assistance. This was at first supplied by the Apostolical power, and afterwards, upon the supposition upon which I am at present arguing, by a temporary delegation of that power. But there came a time when the Apostolic power no longer existed in the Church; unless upon the supposition that some provision was made for its continuance beyond the original Apostles. The canon of Holy Scripture closes just before the period at which this state of things arose. The Apocalypse was written by St. John, the last survivor of the Apostles, not long before his death.

This Divine Book is addressed to the seven Churches which are in Asia, each of which is called by the name of a considerable city in which it was situated. To each of these, is addressed a particular epistle, which is included in, and is a part of the general epistle, but is specially addressed to some one of the seven Churches. These special epistles are particularly addressed to one person in each Church, who is called the angel of that Church. The word "angel," like the word "Apostle," is derived from, and a translation of, a Greek word, the primary meaning of which is "messenger." It would seem that the persons of whom I have spoken under the names of Apostolic legates and secondary Apostles did not choose to adopt the name of Apostles, which they deemed should be appropriated exclusively to the first Apostles, that is the eleven, St. Matthias, St. Paul and, perhaps, St. Barnabas. They fell upon the expedient of calling themselves by another Greek name, of precisely the same signification. This is the more remarkable, as this word is of frequent occurrence, both in the Septuagint, and in other portions of the New Testament, and in both it is always used to designate those blessed spirits, who are the immediate ministers and messengers of the Most High; except where it is supposed to be applied to the Second Person of the Trinity, considered as the messenger of the Father, or of the undivided Trinity. These considerations, probably, led to the early abandonment of the designation of angel. The word in that peculiar sense is not, I believe, found anywhere out of the Apocalypse.

All the mention which is made of these angels is in the last verse of the first chapter and in the two fol-

lowing chapters. From the first mention of the word to the conclusion of the address to the last named of the angels, there are just fifty-two verses. In so small a compass no very minute enumeration of their powers could be expected. Besides, such an enumeration would have been foreign to the nature of the epistles. Still, the epistles are addressed to the angels as the governing powers of their respective Churches. They treat them as responsible for the irregularities and improprieties which existed in those Churches. The angels of the Apocalyptic Churches had then at least as much authority as is implied in the word Bishop, according to Hooker's definition. If they had it permanently, they were Bishops within that definition. There is no reason for believing that they were temporary delegates. On the contrary, they are spoken of as having possessed power for so long a time before the writing of epistles, as to make them responsible for the evils which had grown out of their nonuse or misuse of authority. There is no hint that their power was to come to an end, or that they were to be recalled to give an account of the manner in which they had administered the affairs committed to their charge.

Whether these angels administered the affairs of their respective Churches subject to the supervision of St. John, the Scriptures do not very clearly state. According to the traditions preserved in ecclesiastical history, such was their position. But in no other part of the world, had persons called upon to exercise similar functions, at that time, the benefit of Apostolic superintendence. The same circumstances which led to the institution of such an order of men in Proconsular Asia

must have operated with greater force in places in which no recourse could be had to a living Apostle. If the seven churches of Asia were, at the time of writing the Apocalypse, under the Apostolical authority of St. John, that authority soon afterwards came to an end, and left them in the same situation with their brethren elsewhere. That is to say, they soon became the highest authority in their respective Churches.

The writing of the Apocalypse is not supposed to have preceded the martyrdom of St. Ignatius more than twelve or fifteen years. I do not now cite the Epistles of Ignatius as evidence of the nature of Episcopal authority, but only as evidence of the existence of the Episcopate at the period at which he wrote. Among his correspondents was Polycarp the teacher of Irenæus. A single generation brings us from the time of Ignatius and Polycarp to that of Irenæus and Tertullian. From the latter era, Mr. Gibbon tells us that it was a fact as well as a maxim that there was no Church without a Bishop. Irenæus speaks of his master Polycarp as a Bishop; as in fact Ignatius also does. The interval between the writings of the two is not long, and does not afford many writers. It is believed that the writings which remain, all contain some traces of the existence of the Episcopate.

We have now arrived at the period when Bishops were generally received in the Church. The Episcopate had become a well known office, with known functions. This then seems the proper place for an inquiry into its nature. That nature may, perhaps, be sufficiently gathered from what has been written. Bishops were a class of persons appointed to perform the func-

tions, which during the Apostolic age had been performed by secondary Apostles or Apostolic legates. From them, they differed in being each permanently connected with a particular church. The deaths of the primary Apostles devolved on them the chief authority in their respective Churches, by removing the external authority to which their predecessors, and perhaps themselves, had been previously subject.

The first thing to be observed about the Bishops is that they were ministers of the Word and Sacraments. But it was not on that account, or only in that character, that they were added to the orders of ministers. They differ from presbyters, or elders, chiefly in authority. It was as a governing power that the secondary Apostles were sent to Ephesus, Crete and other places; and it was as a governing power that Bishops were settled in the Churches. It is the power of government which is the essential difference between a Bishop and a presbyter; for, as Hooker remarks, continuing from the passage which has been already cited at page 34.

"So that his office, as he is a presbyter, or pastor, consists in those things which are common to him with other pastors, as in administering the Word and Sacraments; but those things which do properly make him a Bishop, cannot be common unto him with other pastors."

These things, as appears from the former quotation, are "a further power to ordain ecclesiastical persons, and a power of chiefty in government, as well over presbyters as laymen, a power to be by way of jurisdiction, a pastor unto pastors themselves." Let us

inquire into the nature of this chiefty over both clergy and laity, this pastorship by way of jurisdiction.

These phrases import the highest powers of government known to the Church; for the Bishop is the highest authority in his diocese. We are, then, to inquire what were the highest powers of Church government at the period of which we have been speaking. At that period the primary Apostles were dead, and the office of metropolitan not developed. Bishops were then, not merely the highest authorities in their respective dioceses, but the highest authorities in the Church. What, then, must have been the powers of this highest class of Church officers?

We have seen that the nature of Church government is such that the executive power consists, mainly, in three things. These are the appointing or ordaining power, the administration of financial affairs, and the right of admonishing persons who are supposed to be in danger of violating the laws of the Church. The first of these things we find in the Scriptures to have belonged to the secondary Apostles; and we also find that in ecclesiastical history, and in the very oldest canons, it is recognised as a peculiar function of the Episcopate. The second does not appear from Holy Scripture to have been exercised by the secondary Apostles. If it were exercised by the primitive Bishops in their own persons, as I believe that it was during a very short time, yet they seem always to have retained a right of supervising those who really took charge of the Church property. The third was the undoubted right of every Bishop. From its nature, it brings us into contact with the subject of judicial authority.

The presbyterial form of government which the Apostles at first instituted, and which they allowed to continue to exist under their supervision for some time, was imperfect with respect to the judicial power. Its imperfection was two-fold; it provided no authority which might, in case of necessity, exercise jurisdiction over the presbyters themselves. It provided no tribunal to which the laity might appeal from the mistakes of the presbyters. The judicial authority of the Bishops was then intended to supply these desiderata.

But the judicial authority of the Church in the primitive age was seldom or never exercised in the forensic form. It was a parental authority, exercised in the domestic forum. Yet there are strong reasons for believing that neither it nor the right of ordination was ever exercised without the advice of the presbyters.

This was, probably, even more uniformly true of the legislative authority. The legislation of the Church at that time lay within a very small compass. It was entirely occupied in making canons, or rules, something of the nature of rules of court, for the government of the Bishops in judicial proceedings.

Such seems to have been the general nature of the governing powers of the primitive Bishops, except that they exercised a power of deciding in what cases judicial proceedings took place, and of relaxing sentences which had been pronounced, fully equivalent to that which is called the pardoning power. But it will be proper, before closing this chapter, to remark on their position as ministers of the Word and Sacraments. The peculiarities of this position arose chiefly from its

combination with that of the chief governor of the Church. The first effect of such a union would be to constitute the Bishop the principal minister of the Word and Sacraments within his diocese, or, as it is sometimes expressed, the chief pastor of the diocese. But, apart from that union, it is proper to observe, that the Bishop being a minister of the Word and Sacraments, or, in other words, a pastor, and being Bishop of the diocese, was a pastor, or minister of the Word and Sacraments, to the whole diocese, and equally so to every part of it. In fact, the last proposition was, at that time, equally true of the presbyters. They had, then, no special charges within their respective dioceses, but were equally ministers or pastors to every portion of it, and to every person within its limits. The difference, in this matter, between the Bishop and the presbyters, seems to have been, that the former, being the chief governor of the diocese and also one of its pastors, was, as a consequence of the union, its chief pastor.

This office of chief pastor involved the idea of a peculiar responsibility. It was especially his duty to provide for the spiritual wants of the diocese; but it was not possible for him to be personally present in every part of it at once. He was therefore to select the place, in which, at any particular time, he would exercise his office, and take care to provide presbyters who should supply those duties to which he could not personally attend. In order to do this, it was necessary that he should, by ordination or otherwise, supply the diocese with a sufficient number of clergy to perform the required services. This was chiefly done by ordi-

nation; for the translation of a presbyter from one diocese to another, even if at all permitted, was of very rare occurrence. The same thing was equally true of a Bishop. All translations were exceptional cases, departures from the ordinary usages of the Church. They could only take place by the consent of all concerned. Both the Bishops interested, as well as the presbyter himself, had a voice in the matter. Every Bishop had thus the power of providing for himself a body of clergy, in whom he had confidence, and who had confidence in him; the only exception to this rule was that a newly consecrated Bishop was obliged to be content with the clergy whom his predecessor had left in the diocese. The existence of this mutual confidence rendered safe and easy the performance of the duty of directing when and where the clergy should officiate, which devolved on the Bishop. This duty rested on the idea that being, as chief pastor and governor of the diocese, bound to provide for its spiritual wants, he was bound to employ the means under his control, as would most conduce to that object. The right of placing his presbyters was a legitimate inference from that obligation.

Having thus briefly sketched the nature of the Episcopal office, as it was a ministry of the Word and Sacraments, as it was an office of government, and as it was affected by the union of the two things, it remains to say a few words on the relations of the Bishop and presbyters. These were chiefly connected with matters of government, and concerned the share which the presbyters had in those matters. The information which we possess on this subject is far from being full

or satisfactory. It is probable that the precise limits and boundaries of authority were really not settled. Political knowledge was then in its infancy, if a stronger expression would not be more appropriate. It was the less necessary that the political arrangements of the Church, so to speak, should be perfect, on account of the mutual confidence between each Bishop and his presbyters, and of the smallness of the dioceses and the fewness of the presbyters in each. It is not certain, that the right of the presbyters, to interfere in the government of the diocese, went beyond that of giving advice when asked for it. It seems certain that they had no power of coming to any decision without the assent of the Bishop, so as to compel him to take any step of which he disapproved.

The Bishop was accustomed, perhaps bound, to consult his presbyters upon important occasions, but if he acted without their consent, or against their advice, his act was still valid; because the power of acting was inherent in his office and not derived from their assent. It follows that he could not be compelled to do any act of which he did not himself approve. He still retained the discretion of not acting; which seems to be a necessary attribute of a chief governor. It has been already remarked, that he could not be restrained from acting effectually. How far his actions, although valid, might, by any action of the presbyters, be reduced under the maxim *fieri non debet sed factum valet*, is another subject of inquiry, with which I shall not meddle.

It has been always held, that no law of the Church could compel any Bishop to do any act belonging to

his office, and that no such law could deprive him of any of the powers inherent in his office. Yet it has been held for many ages that the mode of exercising those powers may be limited by law. The result of the whole is, that while the act of a Bishop performed by virtue of his inherent powers, may be made unlawful, it cannot be made invalid, and that he never can be compelled to the exercise of those inherent powers.

So far as relates to the executive and judicial departments of government, this seems plain enough. The same principles appear to be applicable to the legislative power. The only conceivable Ecclesiastical legislation, is the enactment of canons, or rules, which are intended to regulate the conduct of the governors of the Church, in the administration of their offices. Their most general objects were to limit, by regulating the authority of those governors, and to announce the particular occasions upon which, and the sins against which that authority will be called into action. Except for such canons, or rules, these things would rest entirely in the discretion of the Bishop. Whether they restrain his authority or enlarge that of the presbyters, his consent would seem to be equally necessary. For the presbyters, by a vote of their own, unsanctioned by the Bishop, to have assumed new powers would have been a clear violation of the Ignatian rule of doing nothing without the Bishop. To prescribe rules to govern the conduct of the Bishop, without his own consent, would have been going even further. Hence the propriety of the rule, that no canon could be made without a Bishop; the effect of which has been, that the maxim is a true one, that there is no canon so ancient, but that it was made by Bishops.

CHAPTER II.

OF THE HISTORY OF THE EPISCOPATE IN THE OLD WORLD.

THE former chapter was occupied with the history of the Episcopate down to the end of the Apostolic age. The object of that chapter was to ascertain the true nature of the office. We found it to be twofold, combining the character of a ministry of the Word and Sacraments with that of the governing power of the Church. In the latter capacity the Bishops possessed executive, judicial and legislative functions.

The executive functions included the power of appointment, which was then exerted in ordaining either to the ministry of the Word and Sacraments, or to the inferior offices, the holders of which came to be designated as the clergy in minor orders, and whose duty it was to assist the Bishop and the clergy proper, as their ministers, as well in the performance of Divine service, as in judicial proceedings. They also embraced the administration of the finances, which, however, was soon resolved into the appointing power, since the Bishops early committed the financial functions to stewards. A third division was the power of admonishing, or cautioning, those, who were violating the laws of the Church, in order that they might be induced to change their course. A fourth

was analogous to that which in civil governments is the pardoning power; through which offenders might be released from the Church censures to which they had been judicially subjected, or offences overlooked and not brought before the judicial tribunals.

The judicial power, of the early Bishops, extended to the infliction of all the various kinds of Church censures, and that either upon the clergy or the laity. The Bishops appear not only to have succeeded to the Apostolic jurisdiction over the presbyters, both directly and in the way of appeal, but, to have been substituted to the presbyters so far as to have acquired a direct and original jurisdiction over the laity.

As to the legislative function of framing rules, or canons, for the government of the diocese, it seems certain, that if exercised at all, it was exercised by the Bishop. It is not certain that the presbyters possessed any share of this power. It is certain that without the concurrence of the Bishop, they could not make a canon.

As ministers of the Word and Sacraments, the primitive Bishops were bound to provide for the spiritual necessities of every person subject to their jurisdiction, either personally or through the agency of the presbyters; who, for that purpose, were placed under their authority.

Each Bishop found himself seated in a city surrounded by his clergy and laity, and called upon to extend the knowledge of the truths of Christianity to all with whom he might be in contact. Each Bishop had, then, a see, but perhaps scarcely a diocese. The *pagani*, or countryfolk, who inhabited the

surrounding territory, were also to be brought within the pale of the Church. The nearest Bishop was naturally called upon to render them this service, and each might advance in every direction around his see until he met with the converts of some neighbouring Bishop. When this had occurred all round, he had acquired a diocese with settled boundaries. But before this state of things was general, it seems to have been understood, that when the civil rulers of a city were possessed of jurisdiction beyond its walls, the extent of that jurisdiction furnished a territorial limit to the authority of the Bishop. Finally it came to pass, that every city had such an extra-mural jurisdiction, and then the whole Roman empire was divided into what was then called parishes, but are now known as dioceses.

Such was the position of the Bishops considered individually; but it was unavoidable that they should acquire relations to each other. Each Bishop was a minister of the Word and Sacraments, and, as such, had a portion in the command to preach the Gospel to all nations, and baptize them. He was bound to do this first to the flock especially committed to his charge, but, subject to that preference, to all with whom he came into contact. The only restriction was, that he was not to intermeddle with persons who were under the special charge of any of his brethren. A restriction plainly important to the peace of the Church.

For the furtherance of these missionary operations, as they would now be called, each was authorized to ordain clergy and to take a part in the consecration

of Bishops. But it was very early settled, that no single Bishop was to take upon him the consecration of a new Bishop. Here then was a point at which every Bishop who desired to perform the charitable office of sending a Bishop to a new people, was brought into contact with other Bishops, without whose counsel and assistance he could not carry his desire into effect.

Then, too, it would happen, that sees would be left vacant by the deaths of their incumbents. How were they to be filled? It is not necessary to go into the controversy respecting the ancient mode of electing a Bishop; although it seems to the writer, that the evidence of the ancient canons shows that, in the earliest ages, the choice was made by the neighbouring Bishops. But, however the new Bishop might be chosen, he could, according to the first of the canons called Apostolical, only be ordained by two or three Bishops. These canons are supposed to represent the ideas of the Church in the second century. Here was another occasion on which Bishops were obliged to consult with each other.

Again, each Bishop was the guardian of the faith, and, as such, bound to enter his protest against all heresy and false doctrine. It might happen, as it did happen, that a Bishop might err in such matters; but he was under no Church authority. The neighbouring Bishops, for that very reason, were called upon to enter their protests. In order to do so effectually, it would be necessary for them to consult together; for if one, more zealous than the rest, should make his protest without consultation, two Bishops of equal authority were brought into conflict before the Church.

A controversy was thus commenced, which could only be settled by the intervention of several Bishops.

Then it was possible that differences might arise between a Bishop and his clergy, about the administration of discipline in the diocese. It was not always certain that the Bishop was right, and evil consequences might arise from such cases, unless some authority should interfere to settle the question.

Lastly, it was conceivable that Bishops might so conduct themselves as to render it proper that they should themselves be subjected to the discipline of the Church.

For all these reasons, it was necessary that there should be occasional meetings of Bishops. It was convenient that the Bishops who had a right to be present at any such meeting, should be known and ascertained beforehand. At a very early period, then, it was settled, that the Bishops of each province or territory, under the authority of a Roman governor, had a peculiar relation to each other, which gave them a right to settle any matters occurring within the province, which could not be disposed of by one Bishop. This rule had nothing to do with the adopting Christianity as the established religion of the empire; since it preceded that event by at least a century. When this idea got possession of the mind of the Church, it was soon reduced to practice, in the form of stated meetings of the Bishops of each province. The thirty-seventh of the canons called Apostolical, directs a meeting of the Bishops twice a year, "to examine among themselves the decrees concerning religion, and settle the Ecclesiastical controversies which may have

occurred." The fifth canon of the Council of Nice, repeats the command, and expressly declares that the object of these meetings is the hearing of appeals.

This institutition of councils, was perhaps, the first check on the authority of individual Bishops which was developed in the Church; for the consulting the presbyters under their respective jurisdictions, seems rather to have been the choice of each Bishop who did so, than a provision of law. The synods or councils were an important feature in the organization of the early Church. They were composed, as is generally agreed, of Bishops only, and were designed as a check, not on the Episcopal order, but, on the individual Bishops; each of whom was thus brought under the control of his brethren, instead of enjoying an almost absolute and quite irresponsible power. Still, the authority of the council, was nothing more than the collective authority of the Bishops who composed the council, and who agreed to submit their individual and respective powers to the will of the majority, and to submit their own personal conduct to the judgment of the synod.

This conjoint authority does not appear ever to have extended to the executive functions, which, from their nature, involve much exercise of discretion. As to the judicial functions, we know, from the canon of Nice, that the direct object of the meetings was the hearing of appeals. We know too that each synod exercised an original jurisdiction over its own members, in questions both doctrinal and moral. The legislative power seems, in practice, to have passed altogether into the hands of the synods. It does not

appear to have been usual for Bishops, either with or without the assent of their presbyters, to make rules, or canons, for the government of their respective dioceses, at any time after the practice of passing synodal, or conciliar, canons had once commenced. There are, however, no conciliar canons extant, which are older than the commencement of the fourth century.

The ordination of Bishops, which was originally allowed to any two or three Bishops, was soon considered to belong to the provincial synods. It was confirmed to them by the fourth canon of the council of Nice, and yet more distinctly by the nineteenth and twenty-third canons of the Council of Antioch. Although the last was not a general council, its canons were adopted by the general Council of Chalcedon. Thus was completed the development of the Provincial Council, which was perhaps the first post-Apostolic development in the government of the Church.

It is, however, a disputed question whether the first development was not another, but still one closely connected with the provincial councils. I mean the office of metropolitan. This development could not have been much later than that of provincial councils; for these could not have existed long without presiding officers. Even in the canons called Apostolic, we find mention of first Bishops; these were possibly not what were afterwards called metropolitans. In Africa, for a long time, the functions, which were elsewhere allotted to metropolitans, were devolved on the elder Bishops. But in other parts of the Church, and finally through the whole, there existed an order of Bishops called metropolitans, or Bishops of the mother cities. It is not

easy to see for what purpose they existed other than that of convening and presiding over the provincial councils, until the fourth canon of the Council of Nicé gave them a negative upon every thing done in their respective provinces. It must be understood that the negative extended only to every thing done synodically, not to the action of single Bishops in their respective dioceses.

The next step in the development of checks upon the power of individual Bishops, was not taken until after the Church had passed from a state of persecution to one of establishment. The authority of metropolitans and of provincial synods was not finally settled before the Council of Nice. At that of Antioch, held a few years afterwards, all appeals from the provincial councils were prohibited, except to a larger council, called by the same metropolitan, and composed, as it would seem, of the Bishops of the same province, and such others as the metropolitan could induce to unite with them. The fourteenth canon of Antioch provides for such a proceeding, but only in cases in which the decision of the provincial synod was not unanimous. But about the beginning of the fourth century, and near the time of the conversion of Constantine, a new arrangement had been made of the Roman empire. Three classes of governors were appointed. The lowest commanded in a single city and its environs. The next superintended several such cities which were collected into a province. The Church at once adopted the boundaries of the government of the lowest class as those of the dioceses, then called parishes, of the Bishops, and those of the second

class as the limits of the provinces under the jurisdiction of the metropolitans, and their provincial councils. A third class of civil governors was added, whose jurisdiction included several provinces. For these larger districts, the name of diocese was invented. In process of time the Church adopted these also, and placed all the metropolitan and other Bishops within each, under the jurisdiction of a great Bishop. He was at first called Archbishop, a title which was afterwards extended to metropolitans, then primate, which has also been assumed by some metropolitans, finally he was named exarch. The exarchs, who were also Bishops of the three most important sees in the world, Rome, Alexandria and Antioch, were also styled patriarchs, which was a mere name of dignity. The same title was afterwards given to the Bishops of Jerusalem and Constantinople.

In process of time, it came to be believed, that these patriarchs were really superior to exarchs, and in some cases they assumed authority over exarchs. The latter disappeared after a few centuries. Then, although there were places in which no patriarch had jurisdiction, the patriarchal dignity came to be of overshadowing importance. The Patriarch of Rome, by degrees, extended his authority over the whole Western Church, and became the Pope. The other four patriarchs divided the Eastern Church among them. In later times, a sixth patriarchate arose at Moscow. This was afterwards suppressed, and its jurisdiction usurped by the lay sovereigns of Russia, who exercised it by means of a commission of Bishops, called, by an abuse of terms, a synod. While these changes

were going on, there came also a change in the nomenclature of the Church. The name of parish, or neighbourhood, which was at first applied to the district under the authority of a Bishop, came to be applied to a division of such a district. The district itself was then called a diocese. This term, which had at first included several provinces, changed its signification; so that several dioceses, the same which were anciently called parishes, were included in one province. The word province alone retained its ancient signification; while that which was once a diocese came to be called a patriarchate.

What we have been saying is a digression and, in some degree, an anticipation. It is time to return to the exarchates or dioceses. As they were recognised by the Church, and a Bishop appointed to superintend each of them, and as the idea of councils was now thoroughly established, it seemed a proper inference that the exarch, or patriarch, should have the right of convening diocesan, exarchal, or patriarchal, Councils. These were attended by all the Bishops of the diocese, or exarchate, but they do not seem ever to have had stated times of meeting.

The first Œcumenical Council of Constantinople, in its second canon, recognises this state of things, and expressly provides that the affairs of each diocese shall be settled by the council of the diocese, and those of each province by the council of the province. In the sixth it provides for appeals from the provincial to the diocesan councils, and prohibits the carrying them any further. The council of Chalcedon, in its sixth canon, re-enacts the same things with some small changes.

It will be observed, that all these changes and developments tended to abridge the power of the individual Bishops. They set out with an undefined, and, therefore, absolute authority. This was checked by placing a legislative and judicial authority over them, to be exercised by provincial, diocesan or exarchal councils, by a right of appeal from their decisions, and by the superintending power of metropolitans, primates and patriarchs. Another class of checks were soon developed within the several dioceses, or parishes, as they were at first called.

The first of these was the establishment of a diocesan council, or synod, of presbyters, which came to be regarded as having a negative on the more important acts of Bishops. It is probable, that, at first, the consultation with the presbyters was a matter of courtesy; but in time it grew to a right. It was of the less importance, because the legislative powers of the individual Bishops, over their own dioceses, were less used after the institution of councils, and the judicial duties of the office might be better performed with the aid of a few select presbyters, than with the incumbrance of the whole body.

The next Ecclesiastical change, which affected the position of the Bishops, was the development of the parochial system. At first, the Bishop and clergy of each Church, or diocese, lived together in the see, or city which was the seat of the Bishop. Those of them who were married lived with their families, while those who were unmarried lived together in a sort of community. All, however, were maintained out of a common fund. The apportionment of this fund was probably made,

as among the modern Methodists, with more reference to the wants of the several persons who were to be maintained, than to the duty to be performed. It was probably regarded rather as the means of supporting the ambassadors of God, than as wages, which the ministers of the people earned by their labour, and to which they were entitled by force of a contract.

From the see, or centre of the diocese, both the Bishop and the presbyters travelled over the territory of the diocese, and carried the Word and Sacraments to the country people. In the city itself the presbyters officiated, under the direction of the Bishop, in the various places set apart for the public worship of the Christians, probably in some cycle of turns.

"The whole power of ministration, both of the Word and Sacraments," says Bishop Taylor, speaking of this period, "was in the Bishop by prime authority, and in the presbyters by commission and delegation, insomuch, that they might not exercise any ordinary ministration without license from the Bishop. They had power and capacity by their order to preach, to minister, to offer, to reconcile, and to baptize. These were, indeed, acts of order, but that they might not, by the law of the Church, exercise any of those acts without license from the Bishop, that is an act or issue of jurisdiction." Episcopacy Asserted, sec. 37, p. 194, Am. Ed.

Bingham makes a similar statement: "Bishops and presbyters," says he, "acted by a different power; the Bishop was the absolute, independent minister of the Church, and did whatever he did by his own authority, solely inherent in himself; but the presbyters were

only his assistants, and authorized to perform such offices as he intrusted them with, or gave them commission and direction to perform, which they still did by his authority, and in dependence upon, and subordination to him, as their superior, and might do nothing against his will, or independent of him." Antiq. Book II. ch. iii. § 2, Vol. I. p. 26, Bohn's Ed. 1846.

We may learn the same thing, where, indeed, Taylor and Bingham learned it, from the Epistle of St. Ignatius to the Smyrneans, chapter 8, where he says, "It is not lawful, without the Bishop, either to baptize or to celebrate the Holy Communion." Chevallier's Translation, p. 92, N. Y. Ed., 1834. The same fact, for it is the fact with which we are concerned, may be proved by the 39th of the canons called Apostolical, and by the 57th canon of the Council of Laodicea.

The only answer which, so far as I know, any one has attempted to give to these authorities, is the assumption that they mean only that the presbyters must be ordained by the Bishop. But that this is not the true interpretation, appears from a passage in Tertullian, which is often cited as an authority for the validity of lay baptism. He expressly states, that the Bishop had the right of baptizing, and that the presbyters and deacons derived it from the Bishop, but might not exercise it without his authority. Now this can scarcely mean no more than that the clergy must have Episcopal ordination, even if the writer had stopped here. But when he goes on to say that the laity may also, with the assent of the Bishop, administer Baptism, it shows, very clearly, that he did not merely mean Episcopal ordination, when he spoke of the

authority of the Bishop. This appears the more clearly, because Tertullian held that the right of the laity to baptize, was not merely derived from the assent of the Bishop, but was inherent in them,—on the very doubtful principle, that a man may give whatever he has received. I shall give the original passage in a foot-note, somewhat more at large than it is usually quoted.*

Such, then, was the condition of the Church at a very early period. The dioceses were small, the Bishops were the rectors, as we should now say, and the presbyters the assistant ministers,—only the position of a Bishop differed from that of a modern rector in that he had received consecration to a higher order in the Church than that held by the presbyters. But, notwithstanding this, they both held the relation of ministers of the Word and Sacraments, to the whole diocese and to every part of it.

The diocese was generally very small, inferior in population to many English parishes, and not larger in territorial extent than some. In a great part of the Church there was no diocese much larger than the smallest English diocese, or more than half as large as the smallest in the American Church. The Bishop was supposed to be intimately acquainted with the spi-

* Superest ad concludendam materiolam, de observatione quoque dandi et accipiendi baptismum communi facere. Dandi quidem habet summus sacerdos, qui est episcopus. Dehinc presbyteri et diaconi, non tamen sine episcopi auctoritate propter ecclesiæ honorem. Quo salvo salva pax est. Alioquin etiam laicis jus est. Quod enim ex æquo accipitur, ex equo dari potest, nisi episcopi jam aut presbyteri, aut diaconi vocantur discentes." Tertullian, Liber de Baptismo, cap. 17, ad initium.

ritual wants of every part of the diocese, and it was his duty to supply them, either himself, or by the aid of his presbyters. They, on their part, were bound to go to any part of the diocese to which he thought fit to send them, and were not at liberty to exercise any portion of their office except by his consent. That consent was perhaps not always expressed. When a presbyter was sent to officiate in any particular part of the diocese, the consent of the Bishop to perform any duty which might be rendered necessary in that place in consequence of any unforeseen emergency, was probably considered to be implied.

This state of things was very much changed by the introduction of parishes, in the modern sense. These did not arise everywhere at once, but were developed by degrees out of local circumstances. When developed they produced important changes in the relations between Bishops and their presbyters.

The first step in the development seems to have been the establishment of a body of clergy, resident not in the Episcopal city, but in some suburb, or large village within the diocese; which served as a centre of operations to a certain district, as the Episcopal city itself did for the whole diocese. These bodies of clergy were placed, whether originally or soon after they were formed is not certain, under the care of a Bishop consecrated for that purpose, who was called Chorepiscopus, or country Bishop. He was a minister of the Word and Sacraments, who had received consecration to the highest order in the Church, but was without jurisdiction, other than that which he might

hold by delegation from the Bishop of the diocese, within which his district was situated.*

Both Chorepiscopi and country clergy are first mentioned in the canons of Neo-Cæsarea, which council was held a few years before that of Nice. It appears that the country clergy were regarded as so far separated from the clergy of the diocese, that they had no right, except in cases of necessity, to celebrate the Sacrament of the Lord's Supper in the cathedral. The Chorepiscopus was, as a mark of respect, allowed the privilege.

It would seem, that in time the Chorepiscopi affected an independence of the Bishops, on which account an opposition to their office arose. The 57th canon of Laodicea, forbids the consecrating any more Chorepiscopi, and directs that visitors shall be appointed instead of them. The same canon reiterates the prohibition against doing anything without the Bishop, and extends it specially to the Chorepiscopi, who remained of those previously consecrated. This was about the year 365. But although the canons of Laodicea were confirmed by the General Council of Chalcedon, yet consecrated Chorepiscopi continued to exist in the Church for some centuries.

Even in the Apostolic age, something like the germ of the parochial system existed. The upper rooms in which the faithful assembled for worship could not have been capable of receiving any very large number of persons. So soon as the Christians in any city were multiplied, the number of places of worship was

* This seems to have been the state of the case originally. At a later period, the Chorespiscopi were not always consecrated Bishops.

also increased. Each of these, by a natural process, would soon be occupied by a permanent congregation, composed chiefly of those to whom it was made convenient by its vicinity to their respective residences. When the Christians began to build places of worship, dedicated entirely to religious purposes, and so properly churches, that is houses of God, they would probably be larger edifices, and, in some places, one would be sufficient for all the faithful in a small or heathen city. In larger places, or those in which the converts were more numerous, several would be required. In that case it was found convenient that one should be selected as the place in which the Bishop would ordinarily officiate. This, in time, came to be called the cathedral, from its being the place of the Episcopal chair, *cathedra*. This distinction, bestowed on one Church in every city which was an Episcopal see, *sedes*, may have preceded the next change, of which I am to speak; but it was more probably its consequence.

When the cathedral had acquired a peculiar character, or perhaps before that arrangement, a custom arose, not all at once, but by degrees, and sooner in some places than in others, of assigning each church to the care of a presbyter. It is known that this custom existed in Alexandria, even before the close of the last persecution; for it is recorded, that Arius, afterwards the heresiarch, was appointed to the charge of one of the churches in that city, by the Bishop, who suffered in that persecution, and is known as Peter the Martyr.

One would have supposed, that a change like this

would have been required earlier in the country. Bingham accordingly supposes that the country clergy mentioned in the canon of Neo-Cæsarea were parochial. But the dioceses were small, and the number of centres of action capable of being increased at will by the appointment of Chorespiscopi, with their little bands of clergy around them. Christianity is known to have made little progress in the mere country. This renders it not unlikely that there the places of worship were not public churches, but that, as is the case under similar circumstances in some portions of our own country, people worshipped at each others' houses. Under such circumstances it is likely that there would not be occasion for a strictly parochial clergy. The original arrangement was probably more like that which now prevails among the methodists.

This was true even after the assignment of individual presbyters to individual congregations. For a time, the presbyters so assigned lived out of the common fund, raised by the contributions of the whole diocese, and there were no fixed geographical boundaries to the jurisdiction of the presbyters. The Bishop was still the only person who had a fixed and permanent jurisdiction, while the presbyters were liable to be transferred from one station to another at his discretion. Perhaps, this was the state of things in Asia Minor at the time of the Council of Laodicea. The title of visitor given to the officer, whom the canon above mentioned substituted for the Chorepiscopus, seems to imply that the clergy did not live together under the superintendence of a chief, but were so scattered as to render necessary the process of visitation.

This would develope a new phase of the Episcopal authority, in the right of visitation. This was not a new right, but a modification of an old one. It was a new mode of exercising the old authority, developed by circumstances which rendered the old mode impossible. From the moment when Chorepiscopi and bands of country clergy were introduced, it became impossible for the diocesan Bishop to exercise over them the constant supervision which he had exercised over the clergy who lived under his roof, or in his immediate neighbourhood. That supervision so far as related to the country clergy devolved upon the Chorepiscopus. But neither the authority nor the duty of the diocesan Bishop were at an end. He gave both to the Chorepiscopus and the country clergy such supervision as he could, that is an occasional supervision. Thus visitations were introduced, as a substitute for the constant supervision which had then become impossible.

When the next step was taken, and the clergy were scattered singly about the diocese, the work of visitation became more laborious. It is probable that the Chorepiscopi, as the diocesan Bishop had done before them, exchanged the perpetual supervision of those who lived with them for the occasional visitation of those who lived more remote. This served to lighten the labours of the diocesan Bishop. When the Council of Laodicea determined on depriving the diocesan Bishops of the aid of the Chorepiscopi, they substituted the visitors of their canon, as an aid to him. But it was still held that it was his right to visit every Church in his diocese as often as he thought it proper, and his duty so to do as often as he might find it practicable.

The presbyters who lived away from the Bishop and under an occasional, instead of a perpetual supervision, had greater freedom of action than those who lived in the city. Even among them, the presbyters who were charged with the ministry of the Word and Sacraments in particular churches, had more liberty than those who served in the cathedrals; for the allotting them to a particular charge implied an assent to all their actions done within that charge. It followed, that there must be a relaxation of the rule, that the presbyter should do nothing without the direction of the Bishop. So we find that at Rome, in the time of St. Leo, about the middle of the fifth century, the rule was, that the clergy should do nothing in the presence of the Bishop without his consent. In his absence his consent was presumed. The origin of this idea was, that the Bishop, by assigning a certain presbyter to a certain congregation, committed the souls of that congregation to his charge, but not so as to discharge himself of the burden entirely. This committal Bishop Taylor, by a peculiarly happy expression, calls concrediting. Its effect was an assent to whatever the assigned presbyter might do in the Bishop's absence, and even to whatever might be done by any other approved presbyter with the assent of him in authority.

But this delegation of power was only a concrediting; it was not an absolute grant to the exclusion of the Bishop himself, of the very essence of whose office it was, that he should be chief pastor of the whole diocese, and therefore of every part of it. When, therefore, he was actually present in any place, his inherent right

revived, and the presbyter might not act without his leave; because the occasion of the concrediting not continuing at that moment, the concrediting itself was suspended with its cause. When the Bishop withdrew, the authority of the priest revived. For if the Bishop had so willed, he might have assigned the station to another; but if he did not choose so to do, but left the former priest in possession, he thereby again concredited to him the souls connected with that station.

The parochial system was still not completely developed. It required local boundaries, a separate support and a permanent tenure of office for the parish priest. These things were to come, and to complete the parochial system; moreover, they were to come altogether, and by means of one arrangement. The support of the clergy was derived from the voluntary contributions of the faithful. But although the contributions for the purposes of the Church were voluntary, it was understood that every conscientious Christian would contribute one tenth of his gains, which was called the tithe. The contributions were placed in a common fund; from which all the clergy of the diocese drew their maintenance, and all other Ecclesiastical expenses were defrayed. This system was first changed in the Western Church, where the dioceses were larger and contained a larger proportion of rural population, which was always worse supplied with churches than the eastern dioceses. It was the desire of remedying the evils of this deficiency, which led to the changes that are about to be mentioned.

In order to furnish an inducement to the building of the churches, which were wanted in the country,

the Church had recourse to the dangerous expedient of selling Ecclesiastical power for money. A practice was allowed to grow up, under which every landholder, who would build a church on his own land, at his own expense, and cause it to be consecrated and secured for the purposes of public worship, was allowed to name to the Bishop a presbyter to officiate in such church. The Bishops on their part reserved the right of judging of the fitness of the clergyman thus named or presented; but if he were a suitable person they bound themselves to appoint him to the station. Moreover, the patron or founder of the new Church, was allowed to appropriate his own tithes, and those of all persons living upon his land, to the support of the clergyman who might be appointed to officiate in the new Church. This arrangement so far as related to predial tithes, or the tenth part of the produce of the lands, was recognised by the civil as well as by the Ecclesiastical law. Thus arose a parish, of which the bounds of the patron's estate constituted the territorial limits, the persons living on that estate the parishioners, and the nominated and accepted presbyter the minister. He derived a separate income from the predial tithes of his parish, and being no longer merely placed at his post at the will of the Bishop, he acquired a permanent tenure of office. He was thus placed in a situation different from that of any clergyman in the primitive Church. The position was a desirable one, and the patron had the right whenever it became vacant of naming whom he wished to fill the vacancy. The diocese thus lost a portion of its proper income, which was appropriated to the parish; and the Bishop lost his ancient right of

assigning the stations of his clergy, so far as the new parish was concerned.

From some of the features of this new arrangement arose two ideas; which it may be proper to mention, on account of their importance, although they have no direct bearing on the subject of the Episcopate. One of them is, the direct connexion of the subsistence of the clergyman with his labours. The parochial clergy were not regarded as supported out of the common fund, contributed by the faithful for the maintenance and propagation of Christianity, and so supported, because they had devoted themselves to that work under the authority of God and the Church. They were considered as under an engagement to exert themselves for the spiritual welfare of the persons residing within a particular district, in consideration of certain payments, to which they thus acquired a legal right. The maintenance of the clergy thus assumed the character of a compensation for their services, like the compensations earned in the pursuit of any secular profession. These new ideas in time altogether superseded the old, to the great injury of the Church. We still suffer from them, in a country in which the system is supposed to have no existence, although it has really only assumed a new, and perhaps not a better, form.

The other idea has been glanced at in speaking of the first. It is, that the maintenance of the clergy assumed the character of a legal right. The support of the clergy was, in primitive times, derived from the contributions of the faithful. These although they were, in one sense, voluntary, for they were not regulated

by any law which any civil or Ecclesiastical tribunal would undertake to enforce, rested, both as to their existence and their extent, upon a sense of religious obligation, and the public opinion of the Church. In the eyes of the civil tribunals, they were regarded as purely voluntary. When the new system of territorial parishes, having local bounds and ministers supported by themselves, was introduced, the fund provided for the maintenance of the parochial clergy was so much of the old diocesan fund as came from the territory allotted to their respective parishes.

The tithes were derived from two sources, as were the revenues of those who paid them; the income from fixed property and from the combination of floating capital with such property on the one hand, and that from labour and floating capital connected with its employment. In those days fixed property was chiefly land. Hence, when the law came to take notice of tithes, it divided them into two classes. These were predial tithes, or those which were paid of the produce of the land, and personal tithes which were paid out of any other sort of income. The law regarded the predial tithes as a charge on the lands, to which any absolute proprietor might permanently subject it, so that the charge would remain as a burden upon his successors. Such tithes assumed at once the character and attributes of real property. But the personal tithes were, as the general rule, though a rule not without exceptions, still regarded as a voluntary contribution. The predial tithes became the property of the parish priest, and were, in the days of simplicity and clerical celibacy, generally sufficient for his support. The people who lived in the parishes saw no

necessity for contributing anything beyond them for him. The diocese had parted with its right to receive contributions within the parish. The parishes, in time, came to include within one or other of them, all the territory of the diocese. Thus the idea of systematic contributions fell into that oblivion, out of which, in this age and country, it is found so difficult to recall it.

But to return to our proper subject. The nomination of the parish priests, was intrusted to the patron; the approbation of them to the Bishop. The right of the patron was considered, not only to belong to him, as the founder of the church, but to those who would have inherited the land upon which the church stood, had it not been so devoted to religious uses. The advowsons, or rights of presentation, thus acquired the character of property, and were capable of being bought and sold for money, either with or without the land on which the congregation lived, and the tithes of which furnished the support of the minister. Being property, the secular courts undertook to protect these rights even against the Bishop. Thus it came to pass, that the Bishop's absolute right of rejecting any presented clergyman whom he thought unfit for the position, was narrowed to a right of rejecting him for certain defined reasons. Of the existence of these, the courts sometimes undertook to judge. But in positions to which no temporal right of presentation existed, the Bishop's ancient right of regulating the stations of his clergy still remained. Hence, to this day, the English Bishops have an absolute right of refusing to license a curate; and they are not bound to assign any reason for such refusal, al-

though they cannot reject the presentee to an incumbency, without such reasons as the temporal courts may consider sufficient.

The right to receive the predial tithes was, as has been already remarked, considered real property. Being such, the principles of the feudal law required that the freehold, or life right, in it should be at all times in some person. There was no other person than the parish priest who had any claim to the property. He, therefore, became the parson, the *persona*, that is, or person, who was to represent the Church in the temporal courts. He was a freeholder, and that implied an interest for life in the estate. He could not, therefore, be, without his own consent, assigned by the Bishop to any other station. Thus the Bishops lost another branch of their authority over their clergy, so far as they had become parochial. The Ecclesiastical power of removing a clergyman from one station to another could not be exercised, in their case, without interfering with an important civil right, and so soon ceased to have either a legal or canonical existence. But with respect to such clergymen as have not a freehold interest in their offices, the ancient power remained; so that the license of an English curate may be revoked, as it may be refused, for any or for no reason. By this state of things it is evident that the curates are placed in a position in which they ought not to be. The state of things which was the foundation of the Episcopal right has passed away. So long as a clergyman was entitled, as such, to his support from the diocesan fund, it was no more than reasonable that the Bishop should have the power of employing his

services where he pleased. But now the diocesan fund no longer exists, and the clergy have no means of subsistence, except that which they derive from the compensation they receive for performing the duties of particular stations. The Bishop has, therefore, no means of providing for the subsistence of the clergyman when he removes from a station, by the emolument of which he lives. Under these circumstances, there seems to be no doubt, that Bishops ought not to have, and *a fortiori* ought not to use, a power, which was harmless, when connected with a state of things which has now passed away.

The parochial system did not, at once prevail universally, and did not even spread very rapidly. The principle of a common diocesan fund, and of the support of the parochial clergy out of it, is known to have continued, in France, until near the close of the fifth century, and to have been in full force in England so late as the year 700. The principles which have been referred to as growing out of the parochial system, were probably not developed till a much later period. Yet a time came when the rule was, that every inch of land in Western Europe was included in some parish. But the rule was not without exceptions, and there are, even now, extra-parochial places, which bear witness to the gradual extension of the system. During the middle ages the popes managed to establish a claim to the predial tithes of these extra-parochial places; which, in England has been transferred to the Crown. Meanwhile, the idea of personal tithes faded from men's minds, and the diocesan fund was thus deprived of its two proper sources of income. It now consisted only

in the lands which the Church had, in various ways, acquired. This was another important change, and produced important effects. But before treating of them it is proper to advert to another matter.

The changes in the relations between Bishops and their presbyters, which grew out of the parochial system related altogether to temporal matters. In spiritual things the new parochial clergy differed not at all from the old stationed clergy. The position of the Bishops as ministers of the Word and Sacraments to the whole of their respective dioceses was, in no degree, changed. There was nothing in the acquisition of freehold rights, independent subsistence, or even of territorial boundaries, which at all implied any spiritual independence of the chief pastor of the diocese. The old idea, that presbyters were not to officiate without the special permission of the Bishop passed away; because, even in the case of the stationed clergy, the act of assigning a station to a clergyman, involved a general assent to his actions within that station. When stations became parishes, there was no reason for any change in this particular. The power of the Bishop, in the appointment of the minister was abridged; but that furnished no reason that his authority over the parish should be less than formerly. It would seem rather a reason for the opposite inference. The more modern idea, that presbyters could not officiate, in the presence of their Bishop, without his special permission, faded away, because of the rarity of the occasions on which such presence existed. But neither the one nor the other of these ideas constituted the foundation of the right of the Bishops to be the principal ministers of the Word and Sacraments to every portion

of their respective dioceses; on the contrary, they were merely the foliage, which sprung from that root. The root remained untouched by the changes of seasons, which swept away the leaves.

That right is one of the inherent rights of the Episcopal office, which cannot be severed from it by the neglect of generations of Bishops; because, like most, if not all, other rights, it grows out of a duty. The idea of a Bishop who is only a governing officer is as utterly at variance with the true nature of the pastoral office as it is with its history. Nor is the modern idea of a mere ordaining and confirming machine more sound. A Bishop always was, and always must be, as our consecration has it, "A shepherd to the flock of Christ." As such, it is his duty to feed the flock, as well as to govern it.

The predial tithes were appropriated to the parochial clergy; the personal tithes had disappeared with the idea of systematic contributions to the support of the Church. Whatever remained of the idea of voluntary contributions took the shape of endowments, and these always were appropriated to some particular object. These endowments generally took the shape of donations of land, the only form of wealth then considered as permanent. The weekly, systematic contributions which had fed the diocesan fund were forgotten, the funds themselves dried up; and there remained no source from which a clergyman could draw his subsistence, unless he were appointed to some position, which had been provided with an endowment, either in tithes or lands.

Hence a rule came to be established, that no one

should be ordained, unless he had a title, that is a parish, or some other endowed Ecclesiastical position secured to him, in order to ensure him a subsistence. The ghost of this rule remains among us, in the nineteenth canon of the General Convention of 1832. It is, even in theory, confined to priests, and is not, practically, enforced even as to them. It is really both unnecessary and impossible; unnecessary, because there is always among us plenty of clerical positions, such as they are, vacant; impossible, because there is no such thing as a clerical position affording a support independent of the whims of the laity, which is at all likely to be offered to a young man about to be ordained. The rule respecting titles is, with us, merely illusory; but in the old world it was once real. This was the more remarkable, as it appears to have been the only restriction, not relating to doctrine or morals, of which he was himself to judge, that was ever anywhere but in America, imposed upon the right of a Bishop to ordain whomsoever he would. At present, it is evaded in England, by the production of an engagement from some beneficed clergyman to employ the candidate as his assistant, or curate, until he shall be otherwise provided for. The engagement is rarely enforced, although it is binding in law, and the practice is nearly as illusory as our own.

During the development of the parochial system, the old diocesan fund continued in operation; although continually losing its resources as the contributions of parish after parish were withdrawn, and the zeal of the contributors not included in any parish waxed cold. But, for a time, it sufficed for the maintenance of a body of non-parochial clergy, who remained about the Bi-

shop, served as his councillors, performed services in his cathedral, and assisted him in various ways. The parochial clergy having, in their parochial endowments, received their share of the diocesan fund, had no claims to meddle with its management. So having their assigned permanent duties, they did not feel called upon to perform any other duties, unless when a diocesan synod was held. The non-parochial clergy who served the cathedral, assumed the neglected duties, and thus, on ordinary occasions, they supplied the place of the ancient *corona presbyterum*. Thus arose the idea of a chapter, the members of which, developing the old idea of the inferiority of the country clergy, came to be considered the dignitaries of the Church, and superior to the parish priests.

As the diocesan funds became less and less, it became necessary to provide some other means of subsistence for the chapter. In some places this was done by dividing among them the parishes of the cathedral city. Of this there is still a remain at Rome, where each of the cardinal priests is the titular parish priest of one of the city parishes. But the more usual course was to procure lands to be given for the support of the cathedral and its clergy. These clergymen came to be divided into two classes. One of these claimed to be the members of the chapter, and the dignified clergy of the diocese; these were the owners of the endowment, and the successors of the old *corona presbyterum*. The other class was composed of their vicars, or deputies, who for a smaller dividend of the income of the cathedral property, or for a stipulated salary, performed the clerical duty of the cathedral, or the larger part

of it. The former class assumed the name of canons, because they professed to live according to a certain canon, or rule, or that of prebendaries, from *prebenda* a portion, because at stated periods they divided among themselves in portions, the income derived from the cathedral property. The second class have acquired the name of minor canons. The members of the chapter formed a corporation recognized by the civil tribunals; which owned the estates of the cathedral, and came to claim the property in the cathedral itself, thus shutting the Bishop out of his own peculiar church.

The members of the chapter claimed to be the superiors of the parochial clergy. Their claims were the more readily acknowledged, because, upon an average, their incomes were the larger. Thus, as has been already remarked, arose the idea of a dignified clergy, of which there are now several classes. One or two of them are perhaps even older than the canons. But these positions were not at first regarded as involving much superiority. Indeed the oldest, and that which in its origin is the most dignified, has long ceased to be reckoned among dignitaries. It is that of the visitors provided for by the canon of Laodicea. These soon became general in the Church. In the east they were called proto-presbyters, and proto-popes; the word pope in the Eastern Church being a title of all parish priests. In the West, the same persons were called arch-priests, but in time acquired the title of deans, *decani*, because they usually presided over ten parishes. These are the rural deans who are now reviving in England with good effect; although for a

long time, they were forgotten, except that, in a very few places, the title had survived the substance of the office.

One reason of this was, that they were overshadowed by the archdeacons. These officers, in their origin, were only the presidents of the colleges of deacons, which once existed in every diocese. At first they were chosen by the deacons from their own number; but by a development in a direction opposite to the usual course of events in the Church, the Bishops acquired the right of appointment. The archdeacon thus came to be always a person in the Bishop's confidence; he was soon employed, as his agent, in matters not within the scope of his original duties, generally in examining into the material interests of the Church throughout the diocese. The Bishops had become much involved in temporal affairs, and the labour of frequent visitations in every part of their large dioceses was too much for them. The archdeacon of each diocese soon came to be the eye and the hand of his Bishop. At first his duties as the deputy of the Bishop were, exclusively, of a temporal nature, and related only to the material fabrics of the churches and the temporal interests of the clergy. He had the more leisure for this as the original idea of the diaconate came to be obscured, and the idea of the college of deacons was lost sight of in the obscurity. His duties were thus entirely changed.

It was not always easy to find a suitable man to fill this office. It would have been still more difficult if it had been understood that he was always to remain a deacon, when all other deacons had become little else than

candidates for the priesthood. It, therefore, became usual, about the year 1000, to ordain the archdeacon a priest without depriving him of his office. In process of time, it came to be the rule, that none but a priest could fill the office. This was, probably, because the Bishops, having begun to employ those archdeacons, who had been ordained priests without giving up their offices, in spiritual matters, found the practice so convenient, that they were desirous of extending it. When the archdeacons came to be priests and to be employed as the deputies of the Bishops in spiritual matters, these facts, combined with the others that there was but one in each diocese and he appointed by the Bishop as his confidential agent, rendered the office a very important one. They thus overshadowed the rural deans, and by degrees drew to themselves all the powers and duties of that office. In time, the archdeacon grew into a sort of rival to the Bishop himself, holding his office independent of his superior when once appointed, and exercising his authority without any reference to him, although always subject to an appeal. The extent of his powers and of his duties, the one too great, the other too burdensome, for a single presbyter, led to a division of most dioceses into several archdeaconries. This again led to the archdeacons being, in their turn, overshadowed by another sort of archpriests, or deans.

The chapters being deliberative bodies required a presiding officer. On him would naturally devolve the executive duties connected with the management of the estates and the other business of the chapter, which they would perform under the general direction of the chapter itself. The archdeacons, agreeably to their

original institution, would have been the very men to do all this; but when they were deacons, they could not be called to it, and before they became generally priests, the want had been generally supplied. A presbyter, called the archpriest, was placed at the head of each chapter. These like the archpriests of the other class came to be called deans. As there could be but one of these in each diocese and he was the presiding officer of the chapter, or assembly of dignified clergy, of which the archdeacons were frequently members, they came to be considered the most dignified class of clergymen under the Episcopate. This was especially the case, when the archdeaconries were multiplied by the division of each diocese into several archdeaconries.

Thus there were four classes of dignified clergy under the rank of Bishops. First, the diocesan deans, secondly, the archdeacons, who had the largest share of power; thirdly, the canons or prebendaries; fourthly, the rural deans. The last passed away into mere shadows, and even now, when the office is again becoming a substantial one, it is not reckoned a dignity.

It was the effect of all these classes of dignitaries to separate the Bishop from the parochial clergy; as both the dignitaries and the parochial clergy separated him from the people. Both dignitaries and parochial clergy were the results of large dioceses; which thus worked great practical changes in the character of the Episcopal office, as well as great theoretical changes in the powers and duties of Bishops as connected with temporal affairs. Still, however, the purely spiritual authority of the Bishop, as a minister of the Word

and Sacraments remained, in theory and in right, the same, although not practically exercised to its full extent.

The extent of the dioceses was one cause of these changes; but it was not the only one. The Bishops, themselves, became very much secularized: instead of struggling with the difficulty of doing their duty, which was the consequence of large dioceses, they withdrew to more agreeable or more profitable occupations. The family character which marked the intercourse between the Episcopal father and his presbyter sons, in the early Eastern Church, was at an end. The itinerant or *quasi*-itinerant clergy, who were sent to such stations as the Bishops might select for them, after conferring with them and with their brethren, and who lived out of a fund raised in common for him, and them, might be considered as grown up sons in a father's family. The parochial clergy with their separate subsistence, their permanent residence, and their rights of property, rather resembled the same sons when they had left their father's family and possessed families and business of their own. The Bishops found visitations troublesome, and they relieved themselves of them, by two distinct means. They delegated the larger part of the duty to the archdeacons, and that which they retained, they performed in the most perfunctory manner, collecting at some central point, the clergy and churchwardens of a whole archdeaconry. They then read a charge, received such presentments as the churchwardens thought fit to make, and conversed on general subjects with those of the clergy with whom they might be thrown

into contact. Thus the actual amount of Episcopal supervision was reduced to its minimum.

The time thus gained was employed in the soliciting further preferment, either at Rome or at the court of the temporal sovereign. This involved the application of the intellectual ability, which God had given them for the service of His Church, to the service of the pope or prince whose favour the individual Bishop desired to gain. Diplomacy, law, and, in some cases, the art of war, were more studied than theology. Law was a necessary qualification for success in the race of preferment, and received a large share of the attention of these secularized prelates. The canon law was built up into a system imitated from, and not less complicated than the Roman, or, as it came to be called, the civil law. The substitution of these systems for the feudal law, which the prelates found less favourable to their class interests, furnished a new object. The pursuit of this, as well as the study of the preferred systems, served still more to withdraw the Bishops from their proper duties.

This brings us to two other matters, which produced no small effect on the fortunes, so to speak, of the Episcopate. These were the growth of the temporal and spiritual power of the Bishop of Rome, and the progress of the power of the temporal sovereigns over the Church. These things were, to a great extent, each the reaction from the other. Neither would, perhaps, ever have been heard of, had the primitive principle continued, of a clergy maintained out of a common fund raised by the contributions of the faithful, voluntary in the sight of human laws, but bound on their consciences

by the Divine. But as soon as the parochial system was established, and there were in different parishes different amounts of labour to be performed and of emolument to be received, there was a choice between different positions. Men then began to seek a removal from the less, to the more eligible. The ancient canons had prohibited the translation of presbyters, no less than of Bishops, from one diocese to another. Translation from one congregation to another, could scarcely be said to be possible; for there was no such permanent connexion between the presbyters and the congregations as could be taken away. But, when parishes came into existence, translations became possible, and the relation of the priest to the parish being so much more close than that to the diocese, the distinction of dioceses was neglected, and the old canons forgotten. They had been framed to meet the state of circumstances which existed when they were enacted. The object was then to check the desire of the clergy to better their temporal condition, by removing from a diocese in which there was an indifferent provision for the clergy, to one in which it was better. The spirit of the canons prohibited the going from parish to parish, just as much as from diocese to diocese; but the clergy, instead of conforming themselves and their actions to the spirit of the canons, chose to act upon the letter only, and finally, suffered even that to be forgotten. The clergy, under the rank of a Bishop, were thus, as it were, turned loose, to seek preferment wherever they could find it. We have seen that it was to be disposed of by the laity.

In the matter of the appointment of Bishops, the em-

perors, almost as soon as they professed Christianity, appear to have acquired a very considerable influence, more especially in relation to the Bishops in the cities in which they held their personal residence. But they do not seem to have been able to establish an absolute right of nomination. Whatever power they had was greater in the East than in the West. In the latter portion of the empire, it fell into the hands of the barbarian chiefs; an event which perhaps would not have occurred, but for the circumstances to which it is now necessary to advert.

When the contributions of the faithful began to fail, and the sources of the maintenance of the clergy to dry up, the Church fell upon the endowment system. Some of the endowments, at least in the Eastern Church, are supposed to have been purchased out of the savings of the old diocesan funds. In the West, they were more generally given as acts of charity and devotion. They were in land, the only species of permanent property then known.

But it was a fundamental principle of the feudal system, that absolute property in land was only to be held by the king, as the representative of the state. All subjects must hold their lands of the king, by some service, of which the lands were the fee, or reward. At first, they could only be held for life, and at the death of each possessor were given to whomsoever the sovereign would. In time the eldest son acquired first a right to be preferred to the succession of his father, if he were fit to perform the services, and then an absolute right to that succession. Finally, lands became absolutely hereditary. But there still remained a vestige of the

old state of things, in the right to give that which was called the investiture of the fief to the new possessor. This involved, on the one hand, the rendering homage; on the other, the giving of the possession of the land to its new proprietor. This was done by the manual delivery of some portable thing, by which the land was symbolically represented.

The feudal lawyers were bound to regard the lands with which the bishoprics were endowed as subject to these principles. They invented a peculiar tenure by which Bishops and other ecclesiastics, should hold the laws which they possessed in right of their Ecclesiastical positions. This tenure they called *frank almoigne*, or free alms. It consisted in the obligation to perform Divine service, instead of the temporal duties which laymen performed as the equivalent for their lands. But it was still a tenure, and was held to imply homage and fealty, that is subjection and fidelity. These, again, implied investiture; which was the occasion on which the symbolical homage was to be done, and the oath of fealty sworn. Hence arose the famous question of the investitures, which makes so great a figure in the history of the middle ages. The true meaning of that question was this. Should the temporal sovereign designate the person to whom he would give the investiture, and the Ecclesiastical authorities be bound to consecrate the person whom he had so designated, or should the Ecclesiastical authorities elect and consecrate a person, who should have a right to demand the investiture, as the heir at law had a right to demand the investiture of a lay fief? This question resolves itself into the deeper

one; does the appointment to vacant bishoprics belong to the spiritual or the temporal power? It was unfortunate for the Church, that in the case of the parochial clergy, the lay patrons had established a right to select the clergyman, who was to fill the vacancy, and so furnished a precedent on the wrong side of this new contest. There was, however, an obvious distinction between the two cases. The lay patron of a parish could only present to the Bishop, and require him to institute a presbyter, who was already ordained and acknowledged by the Church to be a fit person to fill a place in the order, to which the benefice to which he was named was appropriate. It is true, that the patron might name to the Bishop a deacon, or even a layman, and if the Bishop chose to ordain the person so named a priest, he was bound also to institute him to the parish; but it was entirely at his choice whether he would ordain him or not. The Bishop elect ought canonically to be of an inferior order, not more than a presbyter, and so only capable of being qualified for the post by a new ordination; that is to say, by a sacred rite, which is at the discretion of the Church to give or to withhold. The kings, however, overlooked this distinction, and the question of the investitures came up. It is not a subject, which it is necessary for us to follow. But some of its effects are directly within the scope of our work. While it was still undecided, each party acted as a species of check on the other. The kings, when they named, were compelled to select some one who could obtain consecration. The clergy, when they elected, were obliged to choose some one, who could

obtain investiture. But in such compromises with the world, the Church always comes by the worst. The kings would neither name nor invest the more earnest and independent of the clergy. The Episcopate thus became secularized, more and more at every step; because the more worldly Bishops existed, the more easy it was for a worldly-minded candidate to procure consecration. There was the greater temptation to these worldly prelates to yield to the desire of the secular princes, because the bishoprics, like the parishes, were of very unequal value, and the practice of translation having crept in, the princes could always corrupt unworthy Bishops, by the hope of a profitable translation. Thus the Episcopate came, at length, to be thoroughly secularized.

The clergy of all orders thus found themselves connected with the world and the rulers of the world, as possessors of property. Questions were continually occurring about tithes, Church-lands, presentations, institutions, investitures, elections, convocations, and other matters in which the temporal and Ecclesiastical authorities were brought into collision. The former, between their command of physical force and the influence which they possessed within the Church herself, generally succeeded; and the clergy of every sort, when they attempted to do their duty, were oppressed.

There is a striking resemblance between the hierarchy of the Church, and the gradations of lords and tenants in the feudal system. When the hierarchy came to exist and work, in an atmosphere full of feudal ideas, it assumed very much of a feudal character,

and fully adopted the feudal notions of mutual protection between the superior and inferior. Without them, the rights of the Church could not have been maintained at all. But the office of protector, to any one, against a mediæval prince or chief, was by no means a safe one. There was always danger, lest the secular wrong-doer should be able, by fear or favour, to corrupt the Ecclesiastical superior, and deprive the oppressed inferior of his protection. To counteract this, it was necessary to extend the chain of superior and inferior beyond the limits of the influence of any one secular prince. For an ecclesiastic could hope for no very efficient protection from a superior, who was the subject of his oppressor. The Ecclesiastical union was then extended throughout the whole of Western Europe, or in other words, throughout the Latin Church. That Church, namely, which used, in its services, the Latin language; because it was once the vernacular language of the inhabitants of the territories under her jurisdiction. The fact that the Bishop of Rome was a temporal prince, combined with various other circumstances, pointed him out as the natural head of the *quasi*-feudal confederacy of the clergy. This confederacy could take no other than a *quasi*-feudal form, in an age when all ideas of order and government were feudal.

Among those ideas, one of the most prominent was the correlative nature of protection and obedience. The popes were willing to protect their new Ecclesiastical subjects under all circumstances; and they expected absolute obedience under all circumstances. The whole legislative power of the Church was assumed

to be in the popes, at least so far that it could not be exercised without their previous consent, nor be effectual without their subsequent approbation. The Bishops were indeed sometimes consulted, and bore nearly the same relation to the popes that the presbyters of the early Church had borne to their respective Bishops. The supreme judicial power was also assumed to be in the popes, and was interposed at any stage of a litigation, at which it might be convenient to interfere. Moreover, the legality of every election to the Episcopal office was held to be doubtful until it had received the judicial approbation of the pope. These ideas certainly raised a strong barrier against the oppressions of the secular princes; but on the other hand, they afforded to the popes and their legates, very powerful means of oppression. The secular princes felt them as bridles upon their wills, and combated against them with all their might. Thus the Episcopate was ground between the upper and the nether millstones. The popes were constantly endeavouring to abridge the power of the Bishops; in order to bring them into greater dependence on their new Ecclesiastical superiors. The secular princes, on their part, were always endeavouring to abridge the powers of the Bishops; because they had become the vassals of a foreign prince. Between the two, the position of a Bishop was made far less important than it ought to have been.

Such was the state of things throughout Europe, and in England as well as elsewhere. England is the European country, through which our Church derived her Episcopate, and which, therefore, in an inquiry

such as the present, demands more particular attention. It was here that the contest between the Bishops of Rome and the secular powers was most obstinately fought; and it was here that the former were most signally defeated. They were defeated, too, without involving in their defeat, as was the case elsewhere, the overthrow of the Episcopate. Before that event took place, some important changes had been made in the relations of the Bishops to the other members of the Church.

It was owing, in all probability, to the obstinate resistance to papal aggression, which was maintained by the Plantagenet kings, that the English Bishops retained some shadow of legislative power. This they were sometimes obliged to exercise, as it were under the papal commissions, in councils held and presided over by legates, and the acts of which were submitted to the popes for their approval. But at other times, they met in their legitimate provincial synods or in national councils, and made regulations, which it is true were liable to be overruled, or disallowed, by the papal authority, but which were enacted with some shadow of independence.

But the principles of political freedom, which were always more or less recognised in the English constitution, led to the union with these councils of a lower House of Presbyters, not entirely independent of the Upper House, but having a substantial negative on its decisions. The double council, thus formed, acquired the name of Convocation. It had a political importance, which even the legatine councils wanted; be-

cause it had the exclusive power of imposing taxes upon the benefices of the clergy, for the maintenance of the secular government. This power was, at that time, when governments were mainly supported by direct taxation, of great importance.

Another change arose out of the practice of delegating the judicial authority of the Bishops to officers appointed by them; these were at first presbyters, but in modern times they are generally laymen. They acted in the name and by the authority of the Bishops; but as they were not themselves Bishops, they were more exposed to the attacks of the secular power, whenever a conflict of jurisdictions arose. The administration of the canon law in the Ecclesiastical courts became a profession; the members of which were at first all persons in Holy Orders; who nevertheless devoted themselves to what was substantially a secular pursuit. The courts of the temporal government claimed and established a right of supervision over these men and their courts, which materially diminished the importance of the Ecclesiastical law.

This change was also connected with another, which added to the authority of the Bishops, or rather of their courts, an important and exclusive jurisdiction over testamentary matters, and the estate of deceased persons. This jurisdiction is in its nature purely temporal, and one with which the Church never ought to have had any thing to do. Of a somewhat similar character, is the temporal effect given to the decisions of the Ecclesiastical courts, in matters touching Holy Matrimony. These proceedings, designed to bring to repentance those who had sinned in this matter, were,

and are, allowed to settle the civil rights of the parties. Hence causes testamentary and causes matrimonial, have come to be classed together, and to be regarded as semi-ecclesiastical and semi-temporal.

At the Reformation, the power of the temporal authorities over the Ecclesiastical was much extended. The power of the popes was then brought to an end; but much of it was revived in the crown. The secular authority acquired the power of naming Bishops. The election and confirmation of the election were both reduced to mere forms; and the Bishops were compelled, under secular penalties, to consecrate the nominees of the crown. The civil authorities also assumed the jurisdiction of hearing, in the last resort, appeals from the Ecclesiastical courts. This jurisdiction had been conceded to the popes by the clergy. They designed it as a means of protection against the princes; it was now seized by the secular authority as a weapon against both popes and clergy. A similar change took place in the legislative department. The power of granting licenses for holding Church synods, and of approving canons, had been usurped by the popes, with the concurrence of the clergy. Henry VIII. seized upon it, and sent his vicegerent, Cromwell, in substance a legate, to preside in the convocation. This last exercise of usurped power was never repeated. The other usurpations are continued, even with aggravations, unto this day.

There have been no other marked and important changes in the position of the English Episcopate, between the Reformation and the American Revolution; at which last mentioned point, the history of the

English Church ceases to have any relation to the present subject. It remains, then, that we should take a brief view of the powers of the Episcopate, as they were understood in the church of England, at the period of the organization of our own Church.

We began with remarking, that the powers of the Bishops were of a twofold nature, as they were ministers of the Word and Sacraments, and as they were the governors of the Church. Mention was also made of a third class of powers, which arose out of the union of the other two. Several of the powers of this third class lost, by degrees, their connexion with the purely ministerial office, and passed exclusively into the governing power. There, some of them may be reckoned as belonging to the executive, and some to the judicial, departments. This was the effect of the division of the dioceses into parishes, and of exempting the clergy from their original obligation of going to whatever station might be assigned them by the Bishop.

The office of minister of the Word and Sacraments to all the people of the diocese, was not, however, affected by these circumstances, as can be shown by two notable proofs. The Office for the Consecration of Bishops, still requires a promise that the Bishop elect will instruct out of the Holy Scriptures the people committed to his charge, and another that he will endeavour, by prayer, and exercising himself in the Holy Scriptures, to be able to teach, and exhort, with wholesome doctrine. The other proof is at once an independent argument and a commentary on that just mentioned. It will be found in the canons of discipline of 1571, which, it is believed, have never been repealed,

and in the first of those canons. It provides, that every Bishop shall preach the gospel, not only in his cathedral, but in all churches where he may think proper so to do.*

Notwithstanding the promise and the canon which, both, so distinctly assume the right and enforce the duty, the office of the Bishop as a minister of the Word and Sacraments, fell, in the English Church, into great practical disuse. There remain, in fact, only the occasional performances of two rites, confirmation and consecration of churches; the latter was for some centuries very rare indeed. The memory of the old office of the chief pastor was, however, preserved in the triennial visitations, and especially in the charges delivered at those visitations.

There remained the office of governor of the Church. In this there had been, since the primitive times, great changes, not only in the exercise of the power, but in the very right. The power itself may, like that of all other governments, be divided under the three heads of legislative, judicial and executive.

As to the legislative power, that of the individual Bishop seems to have fallen into disuse, from the time of the invention of councils, or synods, of Bishops. The legislative power of the Church had first passed into the hands of Bishops collectively, and thence, so far as the Latin Church was concerned, into the hands of the popes, who exercised it partly themselves and

* Omnes Episcopi diligenter docebunt Evangelium, non tantum in Ecclesiis Cathedralibus quibus præsunt, sed etiam passim, per omnes Ecclesias suæ cujusque diocesos ubi maximè putabunt expedire. Canons, 1571, ad initium.

partly by the aid of synods of Bishops, whom they managed to keep under their control. In England, the Bishops retained some shadow of legislative authority, which they had been compelled to share with the presbyters. At the Reformation, the legislative authority of the popes, came, so far as England was concerned, to an end, and the whole legislative authority of the Church vested in the Convocations. But those bodies entered into an agreement not to exercise it without the license of the Crown, and then only subject to that which is in substance a royal veto. An ancient principle, derived from Anglo-Saxon times, was also enforced; it was, that the laws of the Church were not binding upon the laity, until they were confirmed in Parliament. But even this authority, narrow and small as it was, and surrounded by checks on every side, had for about half a century before the American Revolution been entirely disused, even in form. There had been no actual exercise of it for a much longer time.

The ancient judicial character of the Episcopal office was almost lost. It seems to have been considered, that the Bishop could not exercise his judicial functions in person, thus practically changing his position from that of a judge, to that of a chief executive officer, who had the right of naming judges. The judges thus named, were not mere commissioners to inform the conscience of the Bishop, the proper judge, but were themselves real judges, whose decisions were carried into effect, without having been, in any way, subjected to the action of the Bishop's mind.

The system of appeals was also at variance with

primitive practice and sound Church principle. The appeal was no longer from the Bishop to a synod of Bishops, but from the lay judge appointed by the Bishop, to the lay judge appointed by the archbishop. The final appeal was to a court of judges named by the Crown, and avowedly representing, not the Church, but, the civil government. This was the arrangement not merely in testamentary or matrimonial cases, in the first of which it would have been the most proper arrangement, and in the other might have been supported by plausible arguments, but the same rule prevailed in purely Ecclesiastical cases, and even in those touching doctrine.

A sort of *quasi*-judicial power had, however, grown up in the place of the old one. It was, in fact, a remnant of the old duty of the Bishop to provide for the spiritual wants of his whole diocese, and consisted in deciding upon the fitness of individual clergymen to fill particular places. In cases in which the Bishop united the character of patron of the living with his authority as Bishop of the diocese, the exercise of this power was absolute and independent. In fact, in such cases, the difference between the authority of the ancient and that of the modern English Bishop was, to a superficial observer, not very striking. But in other cases the difference between the absolute authority of the primitive Bishops, and the limited one of their English successors was very great. In the case of a presentation to a parish or other Ecclesiastical position, the latter exercises a *quasi*-judicial authority, not indeed with forensic forms. In the exercise of this power, he is bound to follow certain rules, which of course he is

to interpret and apply, and so exercises a judicial power. But he is not allowed the indemnity extended to all other judges. It is a universal rule that a judge is not liable to punishment, or even responsible in damages, for a mere error of judgment. But in these cases an English Bishop decides at his peril. If he reject a presentee, whom, according to the rules, he ought to accept, his decision is not the subject of an appeal to any tribunal which would merely establish the true interpretation of the law, and put the rejected presentee in possession of the benefice. The Bishop is, on the contrary, treated as a wrong doer, and may be proceeded against as such, either in the court of the archbishop, or before a merely secular tribunal.

With respect to stipendiary curates, that is clergymen employed by the holders of benefices with cure of souls, to perform the whole or some part of their duties, the power of the Bishop is much greater. He has the power of giving or refusing a license to any clergyman to officiate in any such case at his pleasure, and of revoking it in like manner. In conscience, the Bishop is bound to act according to some rule, and this therefore is also a *quasi*-judicial power. But in law it is arbitrary, for there is no external forum which can punish its abuse, or even entertain an appeal to revise its exercise. So far as it is a judicial power, it belongs to that class, well known to lawyers, which appeals to the discretion of the judge.

The other important judicial branch of the Episcopal authority, that under which Bishops mutually enforced discipline upon each other, seems to have been

nearly forgotten. In the few instances in which it has, since the Reformation, been found necessary to institute proceedings against Bishops for immorality, the power of so doing has been assumed by the Crown; which has delegated certain Bishops to act rather as commissioners to inform its conscience, than as proper judges.

The reader will remember that the executive powers of the primitive Bishops consisted mainly in three things. These were the administration of the diocesan fund, the power of appointment, including that of ordination, and the authority of admonition.

The first of these has long since disappeared, with the diocesan fund itself. The most important portion of the second, that is the right of ordaining clergymen, still remains in the hands of the English Bishops, in as full freedom as in those of the Bishops of the primitive Church. But although the right of consecrating new Bishops was still recognised as being exclusively vested in the existing members of the Episcopate, the exercise of that right was restricted on every side by the secular laws. No Bishop could, without incurring very serious secular penalties, consecrate any person a Bishop without a written authority from the crown, or refuse to consecrate any person producing such an authority.

The other branch of the appointing power had been much enlarged, by the introduction of archdeacons and of judges with delegated powers. The right of appointing the first, was a legitimate remain of the old appointing power. In the case of the new judges, the executive branch of power was enlarged at the ex-

pense of the judicial. The right of appointing the new judges, was substituted for the more ancient and Church-like direct judicial authority of the Bishop. The authority of admonition seems to have been left, in theory, untouched. In practice it had fallen into disuse.

Besides the three executive powers of the primitive Bishops, their successors have acquired the right of visitation. This may be most conveniently reduced to the head of executive powers, although it is really a remain of the ancient pastoral office. The Bishop was, and is, regarded as the pastor, or minister of the Word and Sacraments to the whole diocese. The presbyters were regarded as his assistants, who might, equally with himself, act in every part of it, but always acted by his authority and deputation. The continual supervision of the Bishop, as the chief pastor was implied. This could only be exercised, beyond the limits of the Episcopal city in which the Bishop resided, by frequent journeys through the diocese. Such journeys were made for the double purpose of ministering personally the Word and Sacraments, and of the exercise of a supervision, which, after the clergy came to have stations, included the power of removing them from one station to another. The establishment of parishes, and a fixed parochial clergy, put an end to the power of removal; but it did not diminish the necessity of supervision. The Bishops still retained their right and duty of visitation. It is still exercised by the English, and all other, Bishops.

The history of visitations may be briefly recapitulated. Originally, the Bishop and the presbyters were equally

itinerants, and they were equally bound to visit every part of the diocese. In so doing they exercised their office as ministers of the Word and Sacraments, and the perambulation of the diocese had nothing to do with the government of the Church. When it was found convenient to station ministers at particular points, and the congregational system began, the Bishop was not discharged from his position of chief pastor, and he continued to visit every portion of the diocese for the purpose of ministering to his people in the Word and Sacraments. But his visits, or, as they came to be called, visitations, furnished him an opportunity of observing the conduct of the stationed clergy, and the effects produced by their ministrations. This enabled him to act with better knowledge in removing them from, or continuing them in, their stations. Thus, the visitations became an exercise of the executive functions of the Bishop, without losing its primary character of an exercise of the office of a minister of the Word and Sacraments.

The introduction of parishes and permanently settled parochial ministers diminished the usefulness of the visitations, as it diminished the powers of the Bishops, but it did not entirely destroy either. Visitations were still useful, and continued to be made; although they had come to be regarded as less important than they had previously been considered. The last circumstance, and the lamentable diversion of the minds of the Bishops to secular pursuits, produced an effect on the practice of visitations, although not on the right of making them, which is much to be regretted. They were reduced to one in three years.

The want growing out of their rarity was, in some degree, supplied by the intermediate visitations of the archdeacon. A still greater change was made in the manner of performing the function. Instead of actually visiting every parish, the Bishop contented himself with visiting every archdeaconry. He convened the clergy and church-wardens of every parish in each of these larger divisions at some central church. The whole affair degenerated into a formality, of which almost the only valuable feature was the delivery by the Bishop of a charge to the clergy. This was done in the character of chief pastor of the diocese, and was clearly an exercise of the ministry of the Word. In other respects, Episcopal visitations, in the Church of England, have passed first into the condition of an exercise of the executive functions of government, and then into that of a mere ceremonial, preserving the memory, and only the memory, of the ancient functions of the Episcopate, whether as the chief ministry of the Word and Sacraments, or as the governing power of the Church.

CHAPTER III.

OF THE INTRODUCTION OF THE EPISCOPATE INTO THE UNITED STATES.

THERE are reasons for believing, that when the English sent out colonies to settle on the Atlantic coast of North America, they had not very clear notions of what they were doing. They certainly did not suppose, that they were founding either an empire or a Church. The settlements were made, and some sort of civil government was arranged for them, in which they seem to have been considered as a kind of municipalities, subject in all respects to the crown and laws of England; although not within the body of any county. I do not know whether the English habit of planting institutions and allowing them to grow, without troubling them about theories, be entitled to be called practical wisdom, but it has certainly been of great practical use. The English practice is to plant a germ; if it grow, it is allowed so to do. Provisions are made from time to time to remedy any evil which may be developed; but there is no attempt to make it conform to any type of theoretical perfection. Hence English institutions are generally irregular and anomalous; but practically they work well, at least for a time. The progress of events, at length, produces a

new state of things with which the old institution does not well combine. A hundred reasons are then found to show that it was founded on false principles, is utterly absurd, and never could have worked well. But the fact, nevertheless, is, that it has worked well. Under such circumstances, the English nation is slow to change it. Under similar circumstances in America, we hasten to cast it to the moles and to the bats. Old England wisely doubts her own capacity to strike out a new system at a blow. Young America never doubts her own capacity for any thing.

The colonies were settled and governed upon these English principles. They grew and prospered under them, until they became strong enough to exist without help. Then they were severed from the parent country, and started up into a new empire.

The course of things in Ecclesiastical matters, was not very different from that taken in civil affairs. At that time the prevailing theory was, that every Englishman was a member of the National Church. The law took notice of those whom it called "popish recusants," as offenders against this principle; but it would take no other notice of them, except by coercing them to conformity. Of Protestant dissenters, it knew nothing. All who were not "popish recusants," were considered to be members of the National Church. In fact, the Puritans, for the most part, so considered themselves, and maintained that they were her best and truest members, because they employed themselves in endeavouring to amend what they thought her great errors. The Romanists entertained very much the same ideas of themselves. The theory of the identity of the two

societies was universally held. It was, moreover, much nearer being a practical truth, than it has been for more than two centuries.

It followed, that as the colonists were considered to be English subjects, alth ugh not within the body of any county, so they were considered as members of the English Church, although not within the body of any diocese. Both positions were anomalous. In neither case, could the full benefits of the English government be extended to the colonists. Civil government is, however, a pressing necessity, which must be supplied. Civil governments were, therefore, instituted in all the colonies. These were all carried on in the king's name, but with more or less regard to his actual will or authority, according to the surrounding circumstances. Probably, in every case, with much more independence than was warranted by the charters or intended by the home government. The colonies thus developed into republics and combined into a great federal empire.

Church government, on the other hand, although it is as much a need of the human race as civil government, is not so obviously such. The want is not so pressingly felt, because it does not expose life or property to immediate danger. No provision, in the first settlement of the colonies, was made for the supply of this need. Provision was made for the ministration of the Word and Sacraments, by ministers to be sent from England; but Church government was left to take care of itself.

The Puritans in New England availed themselves of this. They adopted, in the fullest manner, the theory,

that the Church and the state are one society under two aspects, and that every member of one is a member of the other. Moreover, they had no hesitation in following out, both theoretically and practically, this principle to its legitimate logical conclusion, in the right and practice of persecution. But they differed from the English nation and government in the mode of applying this principle. The English applied it to all the countries subject to the English crown, considered as one state and one Church. The New England Puritans applied it to the particular colonies considered separately, and regarded each of them as one state and also as one Church. In so doing, they used the word Church in a sense as foreign to that in which they generally used it, as to its true definition. The consequence was, that the theory was actually realized in New England, to a greater extent than it has ever been in the mother country, at least since the Reformation. With this advantage they established a *pseudo*-Church, which was hostile to the true Church; and which persecuted all Churches, true or false, except itself.

In the other colonies the English principle of the identity of Church and state was either abandoned or held very loosely, and was either not acted upon, or acted upon very irregularly and feebly. Church government, at least government by Bishops, became very unpopular in parts of the colonies. In the mean time, the old English theory was becoming daily less practically true, and more unpopular at home. The Dissenters had become a power in the state, and it was the policy of the reigning dynasty rather to strengthen

that power, since they suspected the Church of some lurking attachment to the exiled house. All these things furnished political reasons for not appointing Bishops in the colonies. The expense of such an arrangement was another reason against its adoption. Englishmen of that day had no idea of a Bishop, who was not a peer of parliament. They could only conceive of a Bishop as decorated with lofty titles, and living, in an expensive manner, upon a large income. Such an income, neither the English nor the Americans were inclined to supply. Besides, such a Bishop would have been a strange anomaly in the colonies. There, as in all new countries, there existed such an equality of wealth and similarity of pursuits, as produced a democratic spirit; which pervaded the community and made itself felt both politically and socially.

Many persons there were, who were desirous of extending to the colonies, the benefits of a purely spiritual Episcopate upon purely religious grounds. But these persons were not understood either by the government or the people. The idea of the identity of the two great societies was giving way everywhere, especially in America. Even in New England, it was obliged to be abandoned. Among a large portion of the American people, an equally false idea of the Church took its place. This was, that a Church is a merely voluntary society, like a club or a masonic lodge, which every man had a right to join or leave or abstain from joining at his pleasure. Upon this theory it is plain, that all societies assuming to be Churches are on a footing of equality. As persecu-

tion is the logical deduction from one theory, so the most unlimited toleration, or rather the total rejection of all idea of any connexion between the state and religion is the necessary deduction from the other. We think, that the same view is a logical inference from the true doctrine, that the Church and the state are both Divinely appointed, but independent, societies. But, our fathers came legitimately to a true conclusion, by reasoning from the false principle which they held. Most of their posterity, at this day, agree with them both in the false premises, and in the true conclusion.

When the connexion with the mother country was dissolved, the new governments universally adopted the new theory; and in practice they generally carried it out to its logical results. They were unwilling to interfere in any way with Church government. Under this idea of a total separation between the Church and the state, there was an opportunity of introducing Bishops into the American Church, which were, accordingly, introduced in a state of total independence on the civil government. The American Church was thus placed in a condition different from that of any Church since the days of Constantine. The Church in Scotland had been, since 1688, independent of the state, but she had been under persecution. The same thing may be said of every unestablished Church in the old world. In fact, even before Constantine, although the Church was independent of the civil state, her relation to it was antagonistic. Her usual condition was that of persecution; which was sometimes suspended, but never out of sight. The American Church, when she had secured the Episcopate, was really in a

new and unheard of position, independent, but not persecuted.

Before, however, I proceed to give an account of the introduction of the Episcopate into the American Church, it seems proper to say something of her government before and immediately after the Revolution. It has been remarked that the colonists generally were regarded as Englishmen living beyond the bounds of any English county, but still subject to the laws of England and to the authority of the crown. So the Churchmen among them were considered as English Churchmen living beyond the bounds of any English diocese, but still English Churchmen. As such they were bound by the laws of the Church of England. The parallel could not be carried further; for as the jurisdiction of the Bishops was local and co-extensive with the limits of their respective dioceses, there was no Church authority analogous to that of the crown, to which the Anglo-American Churchmen could be subject. They were, no doubt, considered to be subject to the quasi-Ecclesiastical power of the crown, which was called the supremacy. But that authority implied the interposition of an order of Bishops, between the crown and the people.

It might have been held that clergymen connected with an English diocese, who removed beyond its limits, should continue subject to the authority of their old Bishop, until they came within the jurisdiction of some other. Something like this was formerly understood to be the law of the American Church, and is now expressly enacted by canon. But the English view of the diocesan relation had been loose, and the principle

was scarcely understood by the clergy. Even if it were applicable to the laity, which is very doubtful, it was not at all accepted by them. Moreover, as the clergy and laity of several dioceses might be mingled in the same colony, and even in the same congregation, it would have been impossible to carry on the government of the Church upon that principle. Yet it was felt, that although Ecclesiastical government, unlike civil government, was not a daily necessity, it was still indispensable to the well-being of the Church. Bishops had always been the governing power of the Church, and so long as she recognized the principle of the Episcopate, it was necessary that her government should be Episcopal. Some portion of Episcopal authority was, therefore, required in the then colonies. No direct or formal provision was made for it; but it was left, after the English manner, to grow up of itself. It did grow up to a point, which may be described as the minimum of Episcopal authority, without which a Church could not be an Episcopal Church, and the maximum of authority, which could be exercised by a Bishop living on one side of an ocean, over a clergy and people living on the other. It came to be vested in the Bishop of London. Yet the colonies were no more within the diocese of London, than within any other in the world.

The idea of Episcopacy, that is of a governing power in the Church superior to presbyters, is older than the idea of a diocese. The Episcopate is as well an order as an office. A man is a member of that order as he is a Bishop. He holds the office of a diocesan Bishop in addition to his order, which is a con-

dition precedent to his holding the office. The two things have, in all ages of the Church, been held to be separable; so that a Bishop, by ceasing to have a diocese, did not cease to be a Bishop. The restriction of Bishops to particular dioceses, imposed on each special duties towards his diocese. It therefore gave him, with relation to it, peculiar rights; other Bishops were prohibited from intruding their services into a diocese which had a Bishop of its own. But there was never any objection to the exercise of Episcopal authority by any Bishop, in a vacant diocese or in a place not within any diocese. In fact, it grew into a maxim, that a Bishop might exercise the powers of his order beyond the limits of his diocese, whenever necessity or charity required such exercise.* At the same time it was considered that necessity and charity could not, unless under very extraordinary circumstances, require such exercise, in any diocese having a Bishop without his formal assent.

But the English colonies in America were not within the limits of any diocese, and it was, therefore, competent for any Bishop to administer to their necessities so far as he could do so without neglecting his own diocese. The Bishops of London were then perfectly justified upon Ecclesiastical principles in assuming the authority which they possessed in the colonies; and American Churchmen were perfectly justified in submitting to its exercise. But, agreeably to

* It seems to have been under this principle, that the collective Episcopate assumed the rights of receiving appeals from each other, of trying each other for heresy or other offences, and of mutually legislating for each other's dioceses.

the deep-rooted English notion about the supremacy, this authority was supposed to be derived from a royal commission. It is certain that some of the Bishops of London held such commissions; but it is equally certain, that others had them not. In fact, there is little or no reason for believing, that the designation of the Bishop of London to exercise Episcopal authority in the colonies originated with the crown.

Two things, connected with the matter, seem to require explanation. How did the original colonists, or those who managed the affair for them, come to light on the Ecclesiastical maxim which has been mentioned? How came it that the Bishop of London was selected to act under that maxim? It is very probable that they did not act upon the maxim, of which it is quite likely that they had never heard; but they proceeded to supply their own needs in the most obvious manner. It was, very early in the history of colonization, decided to divide the Atlantic coast of North America, between two joint stock companies, who were to provide for the settlement of the country. In fact, the two earliest successful settlements were made each under the authority of one of these companies. One of them was called the Plymouth Company. It was composed of West of England men. The other consisted of persons residing in or near London, and was called the London Company. The Plymouth Company selected as their colonists Puritans, who intended to get rid altogether of Episcopacy, if possible. They took no measures to secure to themselves the advantages of Episcopal authority, as, in fact, they could not

be expected to do. They had set up an Ecclesiastical organization of their own, and those clergymen who emigrated with them did so, with the intention of setting up a new platform and of abjuring Episcopacy. The Londoners, on the other hand, designed to extend the doctrines of the Church, as they understood them, as well as the civil laws of the land, to their settlements. The city of London has always been the head quarters of Puritanism; but Puritans had not, at the period now under consideration, gone, in London, to the length of separation from the Church. Moreover, although the London Company was composed, in part, of London merchants, who were Puritans of this more moderate type, it also included some landed gentlemen and courtiers, who were not Puritans at all. They designed that the doctrines of the Church of England should be taught in their colonies. They therefore applied to their Bishop for his advice and assistance in their Ecclesiastical arrangements. Thus it came about that the Bishop of London exercised in their colony so much of the Episcopal authority as was absolutely necessary to the existence of an Episcopal Church, in the circumstances in which they were placed. This made a precedent, under which it came to be held that the Bishops of London were the ordinaries of all the British colonies. The idea remains to this day, and has been so extended that the Bishop of London is regarded as the Bishop of all Englishmen, who are not within the jurisdiction of some other Anglican Bishop; whether they are within or without the British dominions.

It is necessary for our purpose, to glance at the na-

ture and extent of the authority which the Bishops of London exercised, before the Revolution, in the colonies which are now the United States. It was an Episcopal authority, and consequently a spiritual authority. Moreover, it had not any real connexion with temporal authority. For it was not established by any civil law, which the colonists recognized. In some of the provinces, the majority of the inhabitants were not Churchmen, and did not acknowledge any authority whatever in the Bishop of London. His authority was then only over Churchmen; it was the spiritual authority of the Episcopate, and was exercised only over those, who submitted to it upon spiritual grounds.

But it was the authority of the Episcopate, which consists, in the Bishop's being at once the chief minister of the Word and Sacraments, and the governing power of the Church. The exercise of the ministry of the Word and Sacraments, by the Bishop of London, among the colonists was manifestly impossible, and was never attempted.

When we turn to the other department of Episcopal power, that of government, we shall find, that the legislative powers of individual Bishops had long ceased to have a practical existence. Moreover, long before the American Revolution, all legislation in the Church of England had, practically, fallen into disuse. The Bishops of London did not, therefore, claim any legislative authority over that Church in the colonies.

Turning to the judicial department, we shall find it convenient to speak first of the anomalous testamentary jurisdiction. This really belonged to the civil govern-

ment, and its almost daily exercise was required by the public convenience. No provision was made for its exercise in the colonies, by the English Bishops; as, in truth, none could have been properly made. For not being any part of the Episcopal office, since it was not at all Ecclesiastical, there was no pretext for its exercise by any Bishop, except when it had been committed to him by some civil law. The civil law of England gave it to each English Bishop within the limits of his own diocese and no further, but the colonies were not within the limits of any diocese. The civil authorities of the colonies resumed a jurisdiction which was properly their own, and it was happily severed from the Ecclesiastical jurisdiction in America, as it soon will be in England.

With respect to the matrimonial jurisdiction, a somewhat similar event occurred. That jurisdiction was, in its origin, Ecclesiastical. But, as such it only related to the correction and prevention of sin. When the civil authorities determined to give to the decisions of the Ecclesiastical tribunals, an effect on the civil rights of the parties and their children, it acquired a twofold character. It was certainly convenient, that no jarring decisions should be made by the civil and Ecclesiastical courts on such a delicate subject. The state therefore agreed to be bound by the decisions of the Church. So long as the Church, on her part, agreed to make no new law without the assent of the state, no great practical inconvenience could arise. But in the natural state of mutual independence in which the two societies exist in this country, the system would not be so manageable. In fact,

while in England the state, for a long time, abdicated her functions, and allowed the Church to settle the civil rights of her subjects in matrimonial questions, in America the opposite error has prevailed. The Church here has, practically, abdicated her right, or, to speak more accurately, has neglected her duty, of deciding upon the sinfulness or innocence of actions connected with matrimony.

This has been partly the consequence of the absence of lay discipline; which again has been produced by the state of that discipline in the Church of England. In that Church it has, for most purposes, ceased to exist, and where it does exist it is exercised in a mode which completely disguises, if it do not change, its nature. But it is also very closely connected with the union of the temporal and spiritual views of matrimony under one jurisdiction. The temporal view, as usual, obscured the spiritual, and the whole matter came to be regarded as temporal. The English Bishops have not for centuries meddled personally in such causes, and their officials had no pretext of authority beyond the territorial limits of their respective dioceses. Hence this jurisdiction was also lost in America for want of persons to exercise it.

Moreover, not only were there in America no means of exercising the matrimonial jurisdiction, for its true purpose, the correction and prevention of sin, but the means provided in England were very expensive. They really existed only for the purpose of settling the civil rights of those who desired and could afford to pay for its intervention. For the great bulk of the English nation, it had no practical existence. No want

of it was felt in America until after the Revolution; the civil authorities then took it up, and provided for its administration for their purposes. But it was done in a very bungling way, and without proper reference to the Divinely instituted rules touching the matter. The Church, on her part, continues to neglect her functions so far as they relate to the matrimonial jurisdiction. But this is a digression. It is sufficient to say that the Bishops of London never claimed any authority in such cases, and that at present the civil authority takes care of them, so far as its objects are concerned; while the Church has suffered them to fall into the same condition with the rest of her lay discipline.

It has been incidentally remarked, that lay discipline had ceased to have a practical existence in the Church of England. What remained of it was exercised in a cumbrous and expensive mode of forensic proceeding. It was better adapted for settling controversies between individuals than enforcing the discipline of the Church. In fact it had come to be understood that it existed only for the first named purpose. Such a jurisdiction was not good for the Church. Happily, the forensic jurisdiction of the Ecclesiastical courts did not extend to the colonies, and the Bishops of London had no right to erect new ones. Yet it was plainly impossible that discipline should be enforced in the ancient domestic mode, by a prelate three thousand miles from those subject to his jurisdiction.

Clerical discipline is the only remaining branch of the judicial authority of the Episcopate. It is en-

forced in England in two ways. One of them is through the cumbrous courts of which mention has been made. The other is by the Bishop personally. This last mode has grown, as has been remarked, out of his ancient position as the chief minister of the Word and Sacraments in his diocese. It consists in giving or refusing institution, or induction, to Ecclesiastical benefices, and in giving or refusing and revoking licenses to less independent positions. Of the exercise of the first of these rights, there is no instance in the pre-Revolutionary history of the American Church. For, except in two or three of the colonies, there were no endowed benefices. In some of the others, there were a very few corporations, who held property to be applied to Church purposes. But they claimed and exercised the right of applying it as they pleased, and of making their own bargains with their ministers. Where the general law of the province made a general provision for the clergy, the civil authorities usurped the power of giving what were called inductions. In all the provinces, the Bishops of London claimed and exercised the right of issuing licenses, at their pleasure. The right of revocation was claimed, but rarely, if ever, exercised. In the provinces in which the civil authority gave induction, those licenses were regarded as merely certificates of orders and moral character. They were not always insisted upon; would have been rejected, had they applied to any particular cure, and the revocation of one would have been utterly disregarded. In fact, the proprietors of Maryland maintained that all the churches, within their province, were donatives, and so totally independent of all Episcopal jurisdiction whatever.

In the provinces in which there was no establishment, or endowment of the Church, the license of the Bishop of London was a necessary pre-requisite to the employment of a clergyman. It was either for a particular church or for a particular colony. It sometimes happened that a clergyman, who was possessed of a license of either class, found it convenient to change his position, for one not warranted by his license. No scruple or difficulty seems to have been experienced in such cases; and the instances were very few in which a new license was not issued under such circumstances. Upon the whole, taking into view the difficulty of getting English clergymen to settle in the colonies, and the other difficulties of the case, the system of licenses could have been little more than nominal.*

The other mode of enforcing clerical discipline, through the Ecclesiastical courts, was not within the reach of the Bishops of London, since there were, in America, no Ecclesiastical courts. They, however, devised a scheme, which, in some degree, supplied the want. It was, in itself, much more consonant to Church principles and the primitive practice, than the English system. It consisted in the appointment of some clergyman as a commissary, for the province in which

*The only sources from which the colonies could be supplied with ministers, were England and the colonies themselves. The number furnished by either was not great, and the Bishops of London were compelled to take such as they could get. They knew very little of the Englishmen and nothing of the Americans, nor could they be properly informed of the subsequent conduct of either class. Another difficulty in the way of the system, was presented by the disregard of licenses in some colonies.

he lived, with power to hear and determine complaints against the clergy. This was done with some approach to forensic form, and it was understood that there was some sort of irregular appeal to the Bishop. But in the provinces in which induction was given by the civil authority, the suspension of a clergyman did not affect his civil claim to the profits of his benefice. The authority of the commissary was not therefore very formidable. It did not extend to degradation. Such was the nature and extent of the judicial authority practically exercised in the colonies by the Bishops of London.

As to the executive authority, the right of ordination was left absolutely to the Bishop, as it had been in all previous times. Other appointments there were none to be made, except those of the commissaries, who were the personal delegates of the Bishop. Funds, to be administered, there were none. Personal visitations were impossible. But something like a delegated power of visitation was exercised by the commissaries. The right of admonition remained untouched, but its exercise was rare, and it was not very much regarded.

In this state of things came the Revolution. The old ties between the mother country and the colonies were dissolved, and those who had been fellow subjects assumed the relation of enemies. It was no longer practicable for the Bishop of London to exercise Ecclesiastical jurisdiction among men, who were regarded by his sovereign as rebels, and by themselves as aliens and enemies to the state of which he was a member. So long as that state of things continued, the Church in

the United States was practically without a Bishop, and there were no possible means of supplying the defect in her organization. The authority of the Bishop of London was, at least, suspended, and could not well be restored to him at the restoration of peace. The common notion that it was derived out of the supremacy of the crown was one reason. Another was the idea of national Churches, which the Reformation had ingrained into the Anglican mind. A third was its utter inadequacy to the wants of the Church.

From the moment that the ties, which bound the colonies to the British empire were severed, the Church in America had to provide for her own government, and the means of continuing her existence. She, however, remained quiescent until the restoration of peace. By that time, her clergy, between death and emigration, had been reduced to a handful. The first thing to be done was to increase their numbers.

Some young men repaired to England for ordination. They were met by a new difficulty. The union between the Church and the state was, in England, so close, that the Bishops were obliged, by the civil laws, to administer, to all whom they ordained, the oaths of allegiance and supremacy. These the American candidates could not take, consistently with their political duties. The English Bishops seeing the hardship of their case, obtained an Act of Parliament authorizing them to ordain foreigners without administering these oaths. This was a most important measure for the Anglican Communion in America and in the world. It afforded the precedent, which led to a similar act authorizing the consecration of Bishops

for foreign countries. Under that act, the American Church obtained her Episcopate. Moreover, it was the thin end of the wedge driven into the union between the Anglican Communion and the British government. The wedge has since been driven further home. The English are, by that means, learning, that the Anglican Communion is not a mere parliamentary institution, but an independent branch of a Divinely instituted Church, which can live and work with or without state protection and state domination. It is to be regretted, that they learn the lesson very slowly.

Even before the applications for orders, which have been mentioned, American Churchmen had begun to look about for the means of creating Church government. There were in almost every colony a few presbyters left. The ideas of the *corona presbyterum* and their authority during the vacancy of a diocese were pretty much forgotten. American presbyters had been accustomed to regard themselves rather as parochial, or congregational, ministers, than as members of a diocese. They had no stated assemblies and no means of united action. Yet there can be little doubt that so much of Church authority, as did not require, for its exercise, the peculiar powers of the Episcopate, was vested in them. As they did not belong to any organized diocese, these powers seem to have included the organization of dioceses. In Connecticut the clergy acted upon these principles, and, taking the boundaries of the new state as those of the new diocese, they elected a Bishop. In the other states the proceedings were more cautious, perhaps not wiser. The clergy,

generally, assembled voluntarily, the meeting not being supposed to have any authority, although from the necessity of the case it had a right to propose measures. These meetings tacitly or formally recognized the limits of the state as those of the Ecclesiastical authority, which they were about to organize. They then called on the several parishes, or congregations, within those limits, to send lay delegates to meet the clergy, in Convention, which should have power to organize the new government.

In these Conventions, the principles of an Episcopate, a Liturgy, a diocese co-extensive with the State, and a diocesan legislature composed of clergy and laity, who should have mutual negatives upon each other, were universally admitted as fundamental principles. It would be more accurate to say, that they were taken for granted, than that they were agreed upon. Connecticut adopted all these principles, except that of the lay element. This she neglected for a time, but changed her policy, when the practical wisdom of the measure had been proved by experience. Provision was, generally, made, that when a Bishop should be introduced into the state, he should be *ex officio* the President of the Convention. But he was to have no other voice in it, than as one of the clergy, except the casting vote which belongs to the presiding officer of most deliberative bodies, in the case of an equal division. Thus, one of the ancient rights of the Episcopate, as the governing power of the Church, was taken away. Except in the diocese of Vermont, it has never been restored.

There were thus formed about eleven independent

Churches, which were imperfect, because they had no Bishops; but which were true Churches, because they had an Episcopally ordained clergy. They were really inchoate dioceses; but they did not always take that name. Their great need, after the Episcopate, was union among themselves. Their third necessity was the revision of the English Prayer Book, to adapt it to their political circumstances. The supply of the second of these needs seems to have been regarded as a necessary step to supplying the other two. So far as relates to the last, this opinion was well founded. But the true pre-requisite to both the other measures was the Episcopate. Out of New England, this does not appear to have been understood; elsewhere, men regarded union as the first thing to be sought. Accordingly Churchmen set about seeking it in the first place. But, it is remarkable, that neither it nor the revision of the Prayer Book were completed until the Episcopate had been obtained. Until after that event, the union of the Churches neither extended over the whole of the United States nor assumed a definite and permanent form.

Among New England Churchmen, especially in Connecticut, different ideas prevailed. It was there thought that the possession of the Episcopate was a condition precedent to all Ecclesiastical actions. The clergy, moreover, were considered to be the only persons, who had a right to take steps for the procuring a Bishop. It was admitted that they had power to do this; but it seems to have been supposed, that until they had a Bishop at their head they could do nothing else. It was thought that each inchoate diocese had full power

to act for itself, in the matter of choosing a Bishop, but that until he was consecrated it was not in a condition to unite in any action with others.

Governed by these ideas, the clergy of Connecticut assembled, in April, 1783. On the twenty-first of that month, they elected the Rev. Samuel Seabury, D. D., their Bishop. He went to England to seek consecration; but he was there met by difficulties similar to those which the candidates for the diaconate had encountered, and which had not been removed by the act of parliament, which has been mentioned. Dr. Seabury came to the conclusion, that the civil law, which was necessary to remove these difficulties, could not be obtained. He therefore left England, and went into Scotland.

The ancient Episcopate of that country had become extinct about the close of the sixteenth century. A new line was commenced in the very beginning of the seventeenth, by Bishops consecrated in England. But that too became extinct in consequence of the political troubles of the middle of that century. After the Restoration of the monarchy a third line was commenced, by a second consecration of Scottish Bishops in England. At the Revolution in 1688, the Church in Scotland was severed from the state, and, in fact, became a persecuted Church. In this state of things, the third line of Scottish Bishops had nearly become extinct; but it was continued by means of aid obtained from the English nonjurors, and it remains at this day.

By some of its members, Dr. Seabury was, on the fourteenth day of November, 1784, consecrated a Bishop.

He immediately returned to Connecticut, where he became the first diocesan Bishop of the Anglican Communion, in North America. He would have been the first Bishop, as well as the first diocesan Bishop, but for one fact. In the early part of the century, two Bishops of the line of English nonjurors had for a time resided in this country. One of them lived in New Jersey, and the other in Pennsylvania. They, however, claimed no diocesan jurisdiction; or if they did, the claim was neither allowed nor well founded. The fact that they were in the Episcopate was not generally known, and their existence has left no consequences in the history of the American Church.

It seems proper to inquire what kind of an Episcopate Bishop Seabury assumed. It is very certain that no stipulations were entered into between him and his diocese. No definition was given of his office, nor any enumeration made of his powers. It follows that the office, to which he was elected, was the historical office of a Bishop. It is clear that that was the office to which he was consecrated. He then possessed the historical office of a Bishop, having all the rights and powers inherent therein, as well as liable to all the duties incumbent on such a Bishop. This office he held before and at the time that he entered into the union with the Bishops of English consecration and the Southern dioceses. It does not appear, that either he or they or any one else supposed, that he, at any period of his life, held any other Episcopal office.

He was then an historical Bishop, having the rights and powers, and bound to the duties, of such a Bishop. The fact that such rights, powers and duties had been

neglected could not take them away; but restrictions upon the rights and powers, which had been formally made, or long and generally acquiesced in by the Church, must be regarded as having been within the view of all the parties to the transaction. If we do not take this view of the matter, we shall be compelled to admit, either, that there were no rights or duties belonging to the office, for none were expressly given, or that its powers were undefined, and, therefore, unlimited.

Bishop Seabury was then an historical Bishop; but from two of the limitations, which circumstances had imposed upon such Bishops, he was clearly free. The supremacy of the pope had been long rejected by the whole Anglican Communion; to which Bishop Seabury and all the parties to his election and consecration belonged. As this supremacy was in itself an usurpation, and as no disposition to return to a state of subjection to the see of Rome was shown by the Church in Connecticut, it is clear that its Bishop was free from the papal supremacy. The royal supremacy of the English crown, according to the very principles upon which it is vested, came to an end in America, when the crown acknowledged the independence of the United States. None of the new governments claimed it or were willing to exercise it. No part of the Anglo-American Church was disposed to acknowledge it. The new Bishop of Connecticut and his diocese then constituted a complete Church, independent alike of the state and of any foreign potentate or prelate.

In the southern and middle states, men proceeded on the idea, that the first thing to be sought was union.

It was sought by a process not dissimilar from that by which parishes had been formed into dioceses. Voluntary meetings of clergy and laity from several states were first held at New Brunswick, in New Jersey, and afterwards in the city of New York. The last of these meetings was held only a few weeks before the consecration of Bishop Seabury. Its most important acts were the proposal of certain principles of union, and the calling a meeting of delegates from the Conventions of the several Churches, to frame a more definite plan of union. This meeting of delegates, the first body, which met in the American Church, claiming authority beyond the bounds of a single diocese, assembled at Philadelphia, in September, 1785. It comprised deputies regularly appointed from seven Conventions. But these Conventions were independent bodies, and the authority of their deputies was only what was given to them in their credentials. These were not very extensive. The seven Conventions represented were, New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, and South Carolina. In North Carolina and Georgia, the Church had been found too weak to organize Conventions. Connecticut, with its Bishop at its head, New Hampshire, Massachusetts and Rhode Island held aloof, from the fear of being committed to some irregularity. This enumeration includes all the thirteen states which then composed the American confederation.

The proceedings of this Convention, as it called itself, do not fall within the scope of the present work, except so far as they relate to the steps taken for procuring the Episcopate. The first of these steps was

the appointment of a committee to report on the subject. Their report was acted upon on the ninth of October, when the Convention adopted a series of resolutions, as a plan for obtaining the consecration, by the English Archbishops and Bishops, of Bishops for some of the American Churches. The first of these was in the following words:

"That this Convention address the Archbishops and Bishops of the Church of England, requesting them to confer the Episcopal character on such persons as shall be chosen and recommended to them for that purpose, from the Conventions of the Church in the respective states."

In the fourth it was recommended, that especial attention should be paid to the making it appear to the Archbishops and Bishops, "that the persons who shall be sent to them for consecration, are desired in the character of Bishops, as well by the laity as by the clergy of this Church, in the said states respectively, and that they will be received by them in that character on their return."

By the same act of the Convention, by which those resolutions were passed, that body adopted an address to the English prelates, which was signed by all the members. In this, it is stated, that it was the earnest desire and resolution of the members of our Communion in the United States, "to retain the venerable form of Episcopal government, handed down to them, as they conceived, from the time of the Apostles; and endeared to them by the remembrance of the Holy Bishops of the primitive Church, of the Blessed Martyrs, who reformed the doctrine and worship of the

Church of England, and of the many great and pious prelates who have adorned that Church in every succeeding age."

The prayer of the address is: "That from a tender regard to the religious interests of thousands in this rising empire, professing the same religious principles with the Church of England; you will be pleased to confer the Episcopal character on such persons as shall be recommended by this Church in the several states here represented. Full satisfaction being given of the sufficiency of the persons recommended, and of its being the intention of the general body of the Episcopalians in the said states respectively to receive them in the quality of Bishops."

These documents and the act of their adoption will be found in the Journal of the Convention, (Bioren's Edition, pp. 11 to 15,) and in the Appendix to Bishop White's Memoirs. (First Edition, pp. 348 et seq.) From these it abundantly appears, that the Episcopate, which the Convention of the members of the Church in the middle and southern states desired and endeavoured to obtain, was the historical Episcopate, with its known rights, powers and duties, emancipated both from the papal and regal supremacy. The Episcopate which had always existed in the Catholic Church, and had been retained by the Church of England, was the Episcopate which the American Church had sought, although it cannot be supposed, and, in fact, the subsequent history disproves, that they designed to perpetuate the neglect of duty, which the size of the English dioceses, and the connexion between the Church and the state has introduced among the Eng-

lish Bishops. Such too is the only Episcopate, which the prelates whom they addressed, looking either to their own position or to the terms of the address, could be supposed willing or even able to convey. At the same time, it must not be forgotten, that the historical Episcopate had undergone modifications, and that it might, to a certain extent, undergo further modifications. This has, in fact, occurred.

It is to be observed, that the plan for obtaining the Episcopate requested, that the English prelates would "confer the Episcopal character on such persons, as shall be chosen and recommended to them for that purpose from the members of the Church in the several states." This settled two questions relating to the American Episcopate. One, that the States were to form each a diocese; the other, that the Bishops were to be elected by the diocesan, or, as they were then called State Conventions. It being necessary, as well by the ancient canons, as by the law and usage of the Church of England, that three Bishops should unite in every Episcopal consecration, it was thought best, that three presbyters should be designated for the Episcopal office. The dioceses of New York, Pennsylvania, and Virginia, each elected one. But they did not immediately receive consecration. The reason of this was, that the same Convention of delegates from seven states, which applied for their consecration, had put out that which is known as the Proposed Book. This was designed to be, when ratified by the State Conventions, an event which, happily, never took place, the Common Prayer Book of the Church in the United States. The changes which it proposed, were of such a nature as to

alarm the English prelates for the doctrinal soundness of the Church, which could adopt it. They, therefore, declined consecrating, without some assurances on this point. This led to a protracted negotiation, to several meetings of the clerical and lay deputies from the seven State Conventions, and to such alterations of the Proposed Book as satisfied the English Bishops. In the course of these proceedings, the Churchmen of the seven states seem to have gotten more light on the subject of the Episcopate, and to have settled in the conviction, that both the revision of the Prayer Book, and the settling the principles of a permanent union among the independent dioceses ought to be postponed, until after the Episcopate should have been obtained.

While the negotiations with the English Bishops were going on, both the parties seem to have been under the influence of rather unfriendly feelings towards Bishop Seabury. On the part of the English prelates, this arose from the fact, that he had been consecrated by Bishops of a Church, which was considered hostile to the British government. In fact, there are grave reasons for believing, that his consecration was an infraction of the civil law of the land. This, however, could not affect its Ecclesiastical validity. The English Bishops, very naturally, did not wish to be concerned in raising this question. They did not, therefore, consecrate the American Bishops elect, until they had exacted from the latter a promise, that no consecration of a Bishop should take place in America, until there were three Bishops of English consecration in the United States. Both the opportunity and occasion of exacting this promise arose

from the fact, that the elect of Virginia resigned his election and never went to England. In America, as we learn from Bishop White, there were some persons, who doubted the validity of Bishop Seabury's consecration, on what grounds, we are not told. But there seems to have been, also, an apprehension that too intimate an intercourse with him might endanger the success of the negotiation for obtaining the Episcopate from the English Bishops.

In the meantime, Bishop Seabury was ordaining clergy, not only those belonging to his own jurisdiction, but others, who found a journey to Connecticut easier than a voyage to London. It seems implied in one of the Resolutions about to be mentioned, that he exacted from all whom he ordained, a profession of canonical obedience to him. At one of the Conventions of the deputies from the seven States, which have been mentioned, the questions connected with Bishop Seabury were taken up. On the twenty-first of June, 1786, it was unanimously recommended that the Church in the States represented, should not "receive to the pastoral charge, within their respective limits, clergymen professing canonical subjection to a Bishop, in any State or country, other than those Bishops who may be duly settled in the States represented in this Convention." On the next day it was unanimously recommended to the Conventions of the Churches represented in this general Convention, not to admit any person, as a minister, within their respective limits, who shall receive ordination from any Bishop residing in America during the application now pending to the English Bishops for consecration. (See Journal of Convention of 1786, Bioren's Edition, p. 21.)

The negotiations were, at length, brought to the desired end. On the fourth of February, 1787, the Rev. William White, D. D., elect of Pennsylvania, and the Rev. Samuel Provost, D. D., elect of New York, were consecrated Bishops. The rite was administered according to the manner and form prescribed and used by the Church of England, the taking the oaths of allegiance, supremacy, and canonical obedience, only excepted. (See Bioren's Edition of the Journal of the General Convention of 1789, Appendix, p. 66.) The newly consecrated Bishops returned to their dioceses, where they were at once received as Bishops and proceeded to act as such.

The American Church thus found herself in imminent danger of being rent in two and divided between two lines of Bishops, who looked upon each other with unfriendly eyes. Before recounting the means by which the Almighty, in the course of his Providential government of the Church, delivered her from this evil, it will, perhaps, be best to speak of the position of the newly consecrated prelates of the English succession. We have seen, that they were consecrated under an application to the English Bishops, asking, that they would confer on them the Episcopal character, and that assurances were given that they would be received in their character as Bishops. Moreover, the resolution of June 23, 1786, treated them as entitled to the canonical obedience of their clergy so soon as they should be settled. They had been consecrated, as it had been understood that they would be, by the ordinary form used in the English Church. They had not been subjected, by their consecration, to any restriction, other

than the promise to abstain for a time from exercising the power, which the very promise implied, of consecrating Bishops. Every thing shows, that they were understood, on all hands, to be historical Bishops, such Bishops as had always existed in the Church of Christ, from "the Apostles' time." The English Bishops did not intend to give, nor did the elect intend to receive, nor did those who elected them or those who asked for their consecration intend that they should receive, a mere name without functions. They were not Bishops whose powers and duties were to be granted, imposed or defined, by canons to be made after their consecration, and who, in the meantime, had no functions which they could exercise, in fact, no office. Nor were they the mere ordaining and confirming machines, which exist among the Moravians, and which some members of our own Church, in South Carolina, afterwards sought in vain to obtain. This would abundantly appear, by an examination of the English office for the Consecration of Bishops. But as that office is substantially the same as that afterwards adopted in the American Church, it may be better to postpone such an examination, until the time shall arrive for discussing the effect of the latter. At present it may suffice to say, that the new Bishops were consecrated by the following words: "Receive the Holy Ghost for the office and work of a Bishop in the Church of God." These words can mean no other kind of a Bishop, than one of that order of Bishops, which the Preface to the Ordinal declares to have been in Christ's Church from "the Apostles' time," and which is one of the orders, which are there said to

have been "evermore held in such reverend estimation, that no man might presume to execute any of them, except he were first called, tried, examined, and known to have such qualities as are requisite to the same, and also by public prayer with imposition of hands were approved and admitted thereunto by lawful authority."

It is now time for us to approach the General Convention of 1789, which was the first that was really entitled to that name. It united the two Churches, which had previously existed in the United States into one, organized the legislative department of that Church, and revised the Book of Common Prayer. This it left in very nearly the same state, in which it remains to this day. But great as are the obligations of the Church to that Convention, she is not indebted to it for the Episcopate. She was in full possession of that blessing before it met.

It assembled on the twenty-eighth day of July, 1789. Bishop White of Pennsylvania, was the only Bishop present, and is recorded to have taken the chair *ex officio*. A certificate of his consecration and of that of Bishop Provost of New York, was read, as soon as the Convention was organized, but no action on the subject followed. The Convention thus recognized Bishop White, and, by necessary consequence, Bishop Provost, as Bishops without any intervention of theirs. The Episcopate was acknowledged as having existed in them, fully and completely, before the meeting of the Convention. (See Journals, Bioren's Edition, page 47.) In the afternoon, the deputies from all the states represented produced their creden-

tials. They were found to include full powers from all of the Conventions which they represented, for ratifying a Constitution of the Church and a Book of Common Prayer. These had been given under a resolution, passed by one of the former Conventions, in which such powers were recommended to be granted, "after we shall have obtained a Bishop or Bishops in our Church." (Ibid. page 48.) This shows that it was the sense of the only seven State, or Diocesan Conventions, which were at that time represented, that the newly consecrated Bishops were absolutely such, and did not require any act of the General Convention to put them in possession of their powers.

The Convention of 1789 was now fully organized, with very ample powers; but it must be remembered, that it was only a Convention of seven out of thirteen States, or of five out of eight inchoate dioceses, and two out of three organized dioceses. Besides, it must be remembered, that although those figures represent majorities, there was yet no organic law, accepted by both majorities and minorities, and binding them together. These facts are brought vividly before the eye by a document which Bishop White laid before the House on the second day of the session. (See page 49 of the Journal.) This was an address from the presbyters of Massachusetts and New Hampshire, to the three American Bishops, which bears date before the meeting of the Convention. From this document, it appears that these presbyters also held the opinion which has just been attributed to the seven Diocesan Conventions. It begins with the following paragraph:

"The good Providence of Almighty God, the foun-

tain of all goodness, having lately blessed the Protestant Episcopal Church in the United States of America, by supplying it with a complete and entire ministry, and affording to many of her Communion the benefit of the labours, advice, and government of the successors of the Apostles."

There could not be a more complete recognition of the Episcopal character of the three American Bishops, involving both branches of that character. The framers of the document plainly speak of them, both as ministers of the Word and Sacraments, and as the governing authorities of the Church. Nor is the strength of the acknowledgment lessened, when we consider the object of the address. This was to induce the three Bishops to unite in consecrating a Bishop over the two Churches in the two States, from which the address came. The only thing which prevented this from being done, was the promise which the Bishops of Pennsylvania and New York had made to the English prelates, to consecrate no one to the Episcopal order, until there were in the United States three Bishops of English consecration. The address did, for that reason, fail of obtaining the consecration, which it sought; but it, notwithstanding, produced very important effects.

The first of these was the unanimous passage, by the Convention of the Church in seven States, of a resolution in the words following:

"That it is the opinion of this Convention, that the consecration of the Right Reverend Dr. Seabury to the Episcopal office is valid." (See Journals, Bioren's Edition, page 51.)

This is a simple recognition of the validity of Bishop Seabury's title to a known office; which, like all other offices, had known functions, and was, in fact, the same which the Convention regarded as belonging to the two Bishops of English consecration. From one end of the political confederation to the other, the three American Bishops were thenceforth regarded as on the same footing. We have seen that they all claimed to be historical Bishops, such as had always existed in the Church of Christ: as such they were all now universally recognized. This made way for the union, which terminated the incipient schism.

Some members of the Convention appear to have been dissatisfied with the refusal of the two Bishops of English ordination to unite with the Bishop of Connecticut, in consecrating the elect of Massachusetts and New Hampshire, although it had no other reason than the promise, which these prelates had made to their consecrators. But a series of resolutions was unanimously passed, (See pages 53, 54, of the Journal,) which, although they left it to the Bishops to act according to their own sense of the moral obligation under which they lay, intimated very strongly a wish for the desired consecration. The first of these resolutions was as follows:

"Resolved that a complete order of Bishops, derived as well under the English as the Scottish line of Episcopacy, doth now subsist within the United States of America, in the persons of the Right Rev. William White, D. D., Bishop of the Protestant Episcopal Church in the State of Pennsylvania; the Right Rev. Samuel Provost, D. D., Bishop of the said Church, in the State of New York, and the Right Rev. Samuel

Seabury, D. D., Bishop of the said Church, in the State of Connecticut."

It will be seen, that there is a distinct recognition of the existence, in the persons named, of "a complete order of Bishops" possessing, of course, all the rights and powers of Bishops, not according to any new theory of the Episcopate, but, such as were, or ought to be, possessed by Bishops of the Church of Christ everywhere.

The second resolution was the following:

"That the said three Bishops are fully competent to every proper act and duty of the Episcopal office and character, in the United States, as well in respect of the consecration of Bishops, and the ordaining of priests and deacons, as for the government of the Church, according to such rules, canons and institutions, as now are or hereafter may be duly made and ordained by the Church in that case."

This second resolution seems intended as a specific recognition of the Episcopal character, so far as it related to the matter in hand, already generally recognized in the first. It recognizes fully the ordaining power, it also recognizes the governing power, but subject to a limitation, that it must be exercised "according to the laws made or to be made in the Church." Still it does actually recognize it as an existing power. It avers, "That the said three Bishops are fully competent to every proper act and duty of the Episcopal office and character in these United States, as well," &c., "as for the government of the Church." It then goes on to speak of rules, canons and institutions, which are to control the powers of which it has declared

the Bishops to be already possessed. It does not speak of a governing power thereafter to be granted by laws to be made. It speaks too of laws then made. Now no laws granting governing powers had then been made, or in fact, have yet been made, although there were laws made, the diocesan constitutions, which did limit the powers of Bishops. Upon the whole, it is clear that the governing power referred to, was one then existing as inherent in the office of Bishops, but still liable to be regulated by the legislation of the Church. This resolution, as well as the first of the same series, and every other act of the inchoate Conventions of 1785, 1786, and 1789, recognized the Episcopate as an historical office; but it also asserted the power, which is equally historical, of the Church to regulate the exercise of that office.

Having thus laid down the premises, in the first two resolutions, by the assertion of the existence, in the American Bishops, of the historical rights and powers of their office, the framers of the resolutions proceeded in three others to apply those principles to the matter in hand.

The third resolution spoke of the obligation of Christian charity, under which the Bishops and the Convention lay to their brethren in the United States, but beyond their own jurisdiction. The fourth requests the two Bishops of English consecration to unite with Bishop Seabury in the consecration of the Bishop elect of Massachusetts and New Hampshire, after the Churches of the New England States should have met the Churches represented in the Convention with the three Bishops, "in an adjourned Convention to settle

certain articles of union and discipline among all the Churches." The fifth proposed that the Convention should itself address the English prelates to ask their consent to such an arrangement.

These resolutions were designed for a temporary purpose, or at most for two such purposes. They have not, and were not intended to have, the nature of laws. They are, therefore, only valuable as expressions of the unanimous opinion of the members of the body, by which they were passed, as to the historical nature of the office of a Bishop. According to them it possessed the power of ordination and the power of government; the latter liable to be regulated by the laws of the Church. Of the ministration of the Word and Sacraments, they say nothing; for that subject had no bearing on either of the only two purposes for which the resolutions were passed.

Of these, the more prominent was the consecration of a Bishop for Massachusetts and New Hampshire. This object was not attained; for the two Bishops of English ordination held themselves to be bound by their promise to their consecrators. An address was sent to the English prelates, requesting their concurrence in the proposed measure, but they never gave any such concurrence. This was, perhaps, owing, at least in part, to the fact that the difficulty was otherwise removed, before the meeting of the second General Convention in 1792. This was a consequence of the consecration, on September 19, 1790, at Lambeth, of the Right Reverend James Madison, D. D., as Bishop of Virginia. This event put an end to the obligation of the promise, since, after it, there were

three Bishops of English consecration in the United States.

The other object of the resolutions was union with the Churches in the Eastern States. In this all that was desired was almost immediately obtained, though more than seven years elapsed before the Bishop elect of Massachusetts and New Hampshire was consecrated, and then only for Massachusetts, and under a new election.

The Convention went on to prepare a Constitution and canons, in both which they exercised the undoubted right of the Church, to legislate for the regulation of the Episcopal authority. Whether they did not, in so doing, exceed the legitimate bounds of their authority, as an assembly of presbyters and laymen, under the presidency of a single Bishop, and whether they did not, in the details of their legislation, transcend even the bounds of the authority of the Church herself, are questions, which do not fall within the scope of this work. But events soon occurred, which placed the whole matter upon a different footing.

The resolutions produced the effect of bringing about a conference, between a Committee of the Convention, on one side, and the Bishop of Connecticut, with two clerical delegates from that diocese, and one from Massachusetts and New Hampshire, which two states seem to have been considered as forming one inchoate diocese, on the other. At this conference, it appeared, that the chief difficulty in the way of an union was the very Constitution which has just been adopted by the deputies of the seven dioceses. This

had been engrossed for signing, and was actually signed.

The principal objection was to its third article, which took away the legislative power from the collective body of Bishops, as the diocesan constitutions had taken it away from the individual Bishops, in their respective dioceses. The only difference was, that the general Constitution gave them, in lieu of their ancient authority, a sort of qualified veto, imitated from that of the President of the United States, and liable to be overruled by a vote of three fourths of the deputies. This was regarded by Bishop Seabury and the clergy who accompanied him, as derogating too much from the inherent rights of the Episcopate.

Notwithstanding all that had taken place, the Constitution and canons were immediately declared open to amendment. The Constitution was amended, by giving the Bishops, when they should be three, a right of originating legislative acts. These were not to be valid as laws without the concurrence of the House of Deputies. To this last provision the Eastern clergy do not appear to have had any objection. The postponing the existence of the House of Bishops until there should be three Bishops was of no practical consequence; since, as soon as Bishop Seabury united with the Convention, the condition would be performed. But, there still remained in the third article a provision, which the Eastern clergy and many other persons regarded as objectionable. It was, that when a measure, which had originated in the House of Deputies, was rejected in the House of Bishops, it might, notwithstanding the rejection, be passed by a vote of

three fourths of the deputies. Subsidiary to this provision, there was another, that the act of the House of Deputies should be law, unless the Bishops returned it within three days, with the reasons for their dissent in writing. These provisions remained in force until 1808, but they produced no practical effect, no opportunity of calling them into action having occurred. They produced a formal effect, in that the Bishops always formally assigned a reason for dissenting from a measure proposed by the House of Deputies. These reasons were, however, merely formal, no argument being introduced, as has been the usage of the Presidents of the United States; but a single reason, amounting to little more than that the Bishops did not approve of the measure, being stated, as a formal compliance with the rule. At the General Convention of 1808, the first and principal provision was abrogated, and an absolute negative given to the Bishops. But, probably by an oversight, the subsidiary provision requiring a rejected act to be returned to the House of Deputies with reasons, within three days from its passage, was left in the Constitution. At the Convention of 1850, it actually produced the effect of giving the force of law to a canon, which the Bishops had intended to reject, and which was, for three years, supposed by every one, to have been lost.

The Constitution having been amended by the Convention of seven states, in the manner above mentioned, was accepted by Bishop Seabury and the Eastern clergy. It thus became at once the concordat between the Eastern dioceses on the one hand, and those in the Middle and Southern states on the other,

and the organic law of the Protestant Episcopal Church in the United States. Bishop Seabury and the deputies from Connecticut, Massachusetts, and New Hampshire took their seats in the Convention on the second day of October, 1789. On the next day, a resolution was passed: "That agreeably to the constitution of the Church as altered and confirmed, there is now in this Convention a separate House of Bishops." (Bioren's Journals, page 74.) Bishops Seabury and White, the only Bishops present, immediately withdrew and organized themselves as a House. The Constitution was then formally signed by these two prelates, in the House of Bishops, and by all the Clerical and Lay Deputies present, in the other House. Thus commenced the first real General Convention of the Protestant Episcopal Church in the United States.

The Constitution under which it acted, and which was also its own work, contained several articles relating to our subject. One of these is the third, of which enough has already been said. The fourth committed the regulation of elections of Bishops to the Conventions of the several states. This not only established the diocesan principle, but also the idea that each state was to constitute a diocese. Thus the inchoate diocese of Massachusetts and New Hampshire was virtually dissolved. Except in that instance, the principle had been virtually adopted before. The latter part of the article adopted the rule of the ancient canons, that Bishops should confine the exercise of their Episcopal office to their respective dioceses.

The sixth article virtually took away the judicial

authority of the Bishops over the clergy of their respective dioceses, by empowering the diocesan or state Conventions to provide modes for trying clerical offenders at their own discretion. The legislative authority of the Bishops, within their dioceses, had been, by the Constitutions of the Conventions of the several dioceses, already abrogated. The new provision virtually took away all direct authority over their clergy out of the hands of the Bishops, save only what fragments remained of the office of chief pastor and that which belonged to the executive department. A mere shadow of judicial authority was also reserved, in the provision that none but a Bishop should pronounce sentence of deposition or degradation. The judicial authority of the collective Bishops over each other was abrogated by the same article, and given to courts to be organized by the diocesan Conventions, which might, for any provision in that Constitution, have been composed of presbyters; but again a shadow was retained in a provision, that the trial must take place in the presence of a Bishop.

The seventh article was employed in regulating the exercise of the ordaining power.

Still the Constitution nowhere contained any definition of the word Bishop; which the Convention must, therefore, be taken to have understood in the historical sense, of a certain Church dignitary having certain rights, powers, and duties inherent in his office. No attempt was ever made to enumerate these. Provisions were introduced intended to regulate them, and in fact to abridge them, and these were carried to an extent which few Churchmen would now ap-

prove. Yet whatever was not plainly taken away was clearly left.

The first General Convention also passed a code of canons. The first of these declares: "In this Church, there shall always be three orders in the ministry, viz., Bishops, Priests, and Deacons." No definition of any of these orders is given, and the historical orders must, therefore, have been meant.

The canons from the second to the ninth inclusive, and the eleventh, likewise relate to our subject.

The second regulates the consecration of Bishops, and is no otherwise important to our purpose than as it recognizes the necessity of Episcopal Consecration.

The third recognizes the right and duty of the Episcopal visitations, and directs that each parish shall be visited. It thus corrects the abuse which prevails in the Churches of Rome and England, of meeting the clergy of a whole archdeaconry at once, and calling the meeting a visitation. The visitations are declared to be, "for the purposes of examining the state of his Church, inspecting the behaviour of the clergy, and administering the Apostolic rite of Confirmation." It is worthy of remark, that this canon uses the expression, "his Church," referring to the Bishop and the diocese; thus recognizing the old principle, that the Bishop has the relation of a pastor to his diocese.

The eleventh canon prescribes the duty of ministers at such visitations. It is chiefly remarkable as requiring the wardens as well as the rector, to answer such questions as the Bishop may propound. This seems

to have been an imitation of the English practice of requiring a report on the state of the parish from the church-wardens at each Episcopal visitation. In the mother Church, it has degenerated into a mere form; in our own it has ceased to be even a form; to the great injury, in the judgment of many, of the Church.

The canons of 1789, from the fourth to the ninth, both inclusive, regulate the exercise of the Episcopal discretion, in the matter of ordination.

The canons of 1789 have been long since repealed, but most of them, including all that have been particularly referred to, have been re-enacted, with or without, more or less of modification.

The second General Convention assembled at New York, in September, 1792. Bishop Madison had been consecrated two years before, so that there were now four Bishops of the Church in the United States; all of whom attended this Convention. It was also attended by Clerical and Lay Deputies from eleven State, or Diocesan, Conventions. For Rhode Island had now accepted the Constitution, and New Hampshire and Massachusetts had become separate dioceses. Many years, however, were still to elapse before North Carolina and Georgia were to be organized as dioceses.

The most important business at this Convention was the adoption and ratification of that which is popularly called the Ordinal. Its technical title is: "The Form and Manner of Making, Ordaining, and Consecrating Bishops, Priests, and Deacons." To this document we must of course look for the ideas of the Church on the subject of the ministry, and, especially, of the

Episcopate. It is, in the main, a transcript from the English ordinal, although there are some, not very important, modifications. As soon as it was adopted, it was put in use, on occasion of the first consecration in America of a Bishop for this Church. This took place on the seventeenth day of December. The person consecrated was the Right Reverend Thomas John Claggett, Bishop of Maryland.

Thus was completed, the introduction of the Episcopate into the United States, which has been announced as the subject of the present chapter. The chapter must now, therefore, close. The attention of the reader must, in the fourth and concluding chapter of the work, be invited to "The present Position of the Bishops of the Protestant Episcopal Church in the United States." To this new chapter belongs the examination of the Ordinal of 1792; which still remains in force and entirely unaltered.

CHAPTER IV.

OF THE PRESENT POSITION OF THE BISHOPS OF THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES.

We come now to inquire into the present position of the Bishops of our Church. This involves two inquiries. First, what did the American Church understand by the order of Bishops, when she introduced her polity? Next, what restrictions, if any, has she since imposed upon the idea as then understood? The object of the last chapter was to show, that when the American Church sought and obtained, of her English mother, the consecration of Bishops, she understood the word in a known sense, that which has been called its historical sense, because it is to be learned from the history of the Church and of the order. Of the word, in that sense, the best definition is that of Hooker.

"A Bishop is a minister of God, unto whom with permanent continuance there is given not only power of administering the Word and Sacraments, which power other presbyters have; but also the further power to ordain Ecclesiastical persons, and a power of chiefty in government over presbyters as well as laymen, a power to be by way of jurisdiction a pastor even to pastors themselves." (Ecc. Pol., vii. ii. 3, Works, Vol. ii., p. 137, Am. Ed.)

But this definition, like all other general definitions, is deficient in particularity, inasmuch as the boundaries, or limitations, of the power to administer the Word and Sacraments and of the chiefty in government are not set down. To ascertain these boundaries, recourse has been had, in the first chapter, to a consideration of the nature of the Episcopate, as it may be learned from the notices of the office in the Holy Scriptures, and from the use of the word at the close of the Apostolic age, collected from the writings of those who lived very soon afterwards. In the second chapter, it was attempted to trace the modifications which the powers of the office had undergone, before its introduction into the American Church. By these means, it was endeavoured to ascertain what are the functions of a Bishop. These functions are what constitute the office; for an office, *officium*, is nothing but a duty to be performed, which duty, like every other, implies a right of action in the matter concerned. The duty and the right growing out of it constitute a function.

Our historical investigation shows that the office of a Bishop is not a development. It existed from the first, and included a duty, and therefore a right, of ministering the Word and Sacraments to all the people of a diocese, and also a chiefty of government over both presbyters and people. At the first these powers were undefined and unlimited. What has since been developed is a series of checks and limitations upon the exercise of these powers, principally upon the last mentioned. These, while they by no means amount to a definition, or circumscription, of the office,

still limit, by regulating, the exercise of its powers, and thus modify very considerably its character. It is not the office which has been developed, but the regulations, checks and limitations, under which its powers are to be exercised, and its duties performed. It would be difficult to show any canon, which gives to Bishops any power whatever, in any other sense than that of restoring some power which it had been attempted to take away, or, which is more usual, removing some restriction, which had, by some antecedent law, been imposed upon the exercise of some power.

The office of a Bishop has in it certain inherent powers, or it is not an office. For an office is a duty implying a power. If the power, and consequently the duty, be taken away, it is no longer the same office, although it may be called by the same name. If the Episcopate be a Divinely instituted office, its inherent duties and powers cannot be taken away by human authority. If it be not, they may be taken away; but the office will no longer be the same; it will not be the historical Episcopate. But the Church in America sought and accepted the historical Episcopate, and therefore its inherent powers. The nature of the office is to be learned from its history. From that history it is evident, that its powers are susceptible of limitation, and that, as well by positive laws, as by the development of usages, which have received the indirect sanction of the Church. It is not, however, to be inferred, that the mere neglect of duty, of which Bishops have, in various ages, been guilty, has produced the effect of taking from their successors the

inherent rights of the office. Yet it is certainly true that the exercise of all the powers of Bishops may be and has been regulated by laws; but these laws must not undertake to deprive the office of its inherent powers. It has been said, that, "the usage of regulating the exercise of a Bishop's functions by certain fixed rules is as ancient as the office of a Bishop." This is not literally true; for there never were, in any part of the Church, before the American Revolution, any fixed rules, which were not made by Bishops. There is no canon so ancient, as has been well said, but Bishops made it. There were therefore Bishops before there were canons. Still, the substance of the remark is true; for the usage of governing the action of Bishops by fixed rules is so ancient and universal as to place its propriety beyond doubt. But if Dr. Hawks has been incautious in one of his expressions, he has been eminently happy in another. He speaks of "the usage of regulating the exercise of a Bishop's functions." Now this is something very different from abridging a Bishop's functions. The valuable work of Dr. Hawks on the canons is not at hand; but in the book from which these quotations are taken at second hand he is made to say, "A law cannot indeed be made wholly to prevent a Bishop from doing a Bishop's appropriate duty; but the history of the Church is full of legislation, to regulate the mode in which he shall perform that duty. The right of ordination belongs to a Bishop; it was his at the very beginning: he would very properly treat with utter contempt any canon, which professed to take it from him, and give it to deacons for instance. But who, from

this in fact supposes that the rights and prerogatives of our Episcopate are violated, because our portion of the Church of Christ forbids a Bishop to ordain until certain prerequisites have been complied with?" These sentences have been adopted, because the writer despaired of being able to express the true distinction so precisely and so well, and not merely on account of the high authority of Dr. Hawks. His illustration is an admirable one; but others may be found. The history of the American Church affords one which is very apposite. The power of legislation is as much an inherent power in the office of a Bishop as is the power of ordination. But like that power, it is to be exercised, under such restrictions as the Church may impose. Thus, it was perfectly competent for the American Church to provide, that the Bishops should make no law without the consent of the clergy and laity. It might, perhaps, be allowable, that the provision should be, as it was at first intended to be, that they should make no law, which had not been proposed to them by the clergy and laity.

It might, that is, have been barely allowable; it could never have been expedient. But all provisions by which the clergy and laity assume powers to legislate without the concurrence of the Bishops, as, for instance, the provision, abolished in 1808, under which the House of Deputies in General Convention might enact a canon without the consent of the Bishops, are beyond the proper limits of Church legislation;—an attempt to take away a power inherent in the office, and not merely to regulate its exercise. So far as any such regulations exist in our own, or any other,

Church, they thrust the Bishops out of their true position, and deprive them of a portion of their just rights.

The doctrine, laid down by Dr. Hawks, and generally accepted by men who have thought upon the subject, is, that the Church has power to regulate the exercise of the Episcopal authority, but not to take away any portion of that authority. Out of this doctrine two questions may arise; How far can the Church regulate the exercise of the Episcopal authority? What is the effect of such regulations upon the authority itself, so far as it is left unregulated?

To the first of these questions all men would, probably, give the same answer; that the Church may regulate the exercise of the Episcopal power in every case and to any extent, which is consistent with leaving the power itself untouched. There is no other limitation to the authority of the Church in this matter, than that of which the idea is involved in the very idea of all right, that it must be exercised in good faith.

About the other question, there may be, and, in fact, has been, more discussion. Yet it does not seem difficult of solution, if the established principle be kept in view. The right is to regulate the exercise of authority, not to take it away. But the authority implies a right to exercise it antecedently to any regulation. The regulation does not give the powers, nor can it take them away. For it is a conceded principle, that the power is inherent and cannot be taken away. Whatever then of inherent power is left unregulated, is in the same condition as

if there had been no regulation. The rule, so far as it exists and relates to the exercise of power, and not to the power itself, must be obeyed. But it can have no operation further than it extends. It is not meant that such rules are to receive a narrow interpretation; for like other rules they ought to be interpreted in a natural sense, and even so as to restrain the evil and advance the remedy. But such a rule can have no operation beyond its own proper limits, ascertained by the fair and ordinary principles of interpretation. The inherent power remains unaffected by the rule. But the difference is this. Before the rule was made, the power might have been freely exercised, in any manner which the possessor chose. After the rule was made, it could only be exercised in conformity with the restrictions imposed by the rule. But it has been subjected to no other restriction. Beyond the operation of the rules, it, therefore, remains as before there was any rule; and its exercise must therefore be free. It remains to inquire what are the inherent powers of the Episcopate, and by what regulations the exercise of them is governed in the American Church.

It is the historical Episcopate, which was received by the American Church, and that Episcopate was diocesan; about this there seems to be no room for dispute. Moroever, the American Church has, by her own written laws, established a diocesan Episcopate. Her Episcopate would then have been diocesan, though such an Episcopate had never before existed.

In fact, however, the diocesan Episcopate is an historical office; but certain institutions had, in the course of time, been developed, which had had the effect of

restricting to a certain extent the exercise of its powers. One of these institutions was the papacy. This had been developed during the middle ages, and had attained such a height as materially to interfere with the rights of all Bishops. At the Reformation it was driven out of England, and, having been repudiated by the mother Church, was not revived by the daughter. The Bishops both of England and America are, therefore, free from that incubus.

Another institution had begun to be developed at a still earlier period, and maintained a long struggle with the papacy, which it at length overcame, at least so far as the English Church was concerned. It now possesses the spoils of its defeated antagonist, and is known as the royal supremacy. This upon its own principles, ceased to exist in the United States the very instant their independence was acknowledged. Neither they, nor any one of them, claimed to succeed to the abandoned power, while the Church soon learned to rejoice in her freedom from such claims. She was not at all disposed to submit to the power of the State, as her mother had done in the time of Henry VIII. Without her assent, the supremacy would have been a mere usurpation, and, moreover, it was one which the new governments were unwilling to attempt. In fact, the idea of the supremacy was so little adapted to their condition, that they would not have accepted it, had it been offered to them. The American Episcopate, therefore, commenced its career untrammelled, by any claim of external authority. All those restrictions on the power of the Episcopate, which grew out of the idea of supremacy, whether papal or royal, were at an end.

There had been a third institution developed, and that within the Church herself, which also operated in various ways as a check on the exercise of the authority of diocesan Bishops. It was the hierarchy of Bishops superior to mere diocesan Bishops. This had existed for ages, in every part of the Church. But the American Church did not accept it. She rejected it without any formal action, more by not making any provision for it, than by any actual step. She established only diocesan Bishops, without provincial metropolitans or a national patriarch. These, from their very nature, could not be introduced into a new organization without providing some means of designating the persons to hold such important positions.

The framers of our Church organization seem wisely to have thought that they were not necessary even to the well being of the Church, and were inconsistent with our political institutions, and with the tone of thought and feeling which prevailed in the country; they therefore made no such provision, and our Bishops are all equal.

Another check had been developed in the dignified presbyters, who had been interposed between the Bishops and the mass of the clergy. This institution had grown out of the necessities of large dioceses. At the formation of our organization the dioceses were practically small. They each occupied the entire territory of a single state; but of these states some were small, and others very imperfectly settled. The territory over which, in any sense, jurisdiction might be exercised by any Bishop, was small in comparison with that over which the mass of our present Bishops are called to exercise the same authority; yet it was large

compared with that which was comprised within the limits of an ancient, or even an English, diocese. That fact was counterbalanced by others. The whole population of each state was small, and was chiefly composed of persons who rejected the authority of the Church. The number of the members of the Church was very small indeed. The unpopularity in which political circumstances had involved the Church, the want of zeal among her laity, the fewness of her clergy, all combined to produce the notion, that she was not to be aggressive, or missionary. In fact, for some years she did not venture to do more than ask permission to exist, for the benefit of those who were already her members. It seems to have been true, that her first duty was to provide for the spiritual wants of her own children, and that at that time she had not the means of performing more than that first duty. It was, therefore, possible for a Bishop, even though incumbered with a parish, to do every thing appertaining to the Episcopal office, which was expected of him by the people, who had been unaccustomed to any of the benefits of the office. The poverty of the Church rendered it impossible to make any provision for the support of the second hierarchy of presbyters; to which, moreover, the same objections existed, which have been mentioned as existing against the superior hierarchy of Bishops. It was inconsistent with our political institutions, and with the tone of thought and feeling which prevailed in our country.

American Bishops were then to be equal, to be free from the restrictions imposed upon the exercise of their powers by the papacy, by the royal supremacy, by the

hierarchy of their own number elevated above them, or by the hierarchy of presbyters inferior to them, and exercising portions of their authority by an irrevocable delegation. It would seem, then, that as diocesan Bishops they were freed from nearly all the institutions, by means of which the exercise of their power was limited. Perhaps the only exception was the institution of parishes, with the correlative of permanently settled parish ministers. These, although somewhat modified from the things of the same names in the old world, existed in the American church before she obtained the Episcopate. In fact, they furnished the materials, from which the imperfect organizations which sought and obtained the Episcopate were formed. These institutions certainly did modify very much the mode of exercising the powers of the Episcopate; whether it be regarded as a chiefty of government, or as a ministry of the Word and Sacraments. It has been just said, that parishes and parish priests were perhaps the only institutions which remained in the American Church, of all those which were designed to restrain the exercise of the Episcopal power. Of course, it was not meant to include in this remark the right of the Bishops themselves, to regulate by their own authority exercised collectively, the exercise of their individual functions. Still less, can the regulations which had actually been so made, and were in force, have been included in it. All regulations which had been so made, and were in force, either throughout the world or in the mother Church only, continued in force; except so far as they derived their sanction from the external authorities of the pope and the crown, which the American Church had repudiated.

The American Bishops were then primitive Bishops, possessed of inherent powers; of which they could not be deprived, although the mode of their exercise might be regulated, and was in fact subject to some existing regulations. These were soon increased both in numbers and stringency. But it does not appear, that, even with that increase, they either take away the Episcopal authority, or confine it within a certain defined boundary. This is true, whether it be regarded as a ministry of the Word and Sacraments, or as a chiefty of government.

In order to learn the nature and extent of these powers, particularly those of the former class, it will be well to enter into an examination of the Office for the Consecration of Bishops. Our first inquiries naturally relate to the ministry of the Word and Sacraments; but when we turn to the Ordinal we find the two ideas of ministry and authority so blended, in many places, that it will be most convenient to consider those places, before we proceed to examine those which treat of the ministry only. On other grounds, it seems proper to turn first to the form of consecration, technically so called, that is to the words immediately connected with the matter, or ceremony, of consecration. This matter, or ceremony, is the laying on of hands. The form, therefore, is in the words uttered during the performance of that ceremony. The words follow:

"Receive the Holy Ghost for the office and work of a Bishop in the Church of God now committed to thee by the imposition of our hands: In the name of the Father, and of the Son, and of the Holy Ghost. Amen. And remember that thou stir up the grace of God, which is given thee by this imposition of our hands:

For God hath not given us the spirit of fear; but of power, and love, and soberness."

It will be observed, that the office to which the elect is consecrated is that "of a Bishop in the Church of God;" not merely in the Protestant Episcopal Church in the United States of America. It is not then any newly-invented and defined office of Bishop, which the American Church recognizes, but the ancient historical office, which involves the ancient historical functions, by the possession of which it is constituted an office. This idea derives additional force from the "Preface" to the Ordinal. There we find that the orders, to the functions of which men are to be admitted by the "form hereafter following," are the same orders of Bishops, Priests and Deacons, which, "from the Apostles' time," have been in Christ's Church.*

Returning to the Consecration Office itself, and taking its several parts in the order in which they stand, in the search for something bearing on the pre-

* "It is evident unto all men, diligently reading Holy Scripture and ancient authors, that from the Apostles' time there have been three orders of ministers in Christ's Church—Bishops, Priests and Deacons. Which offices were evermore had in such reverend estimation, that no man might presume to execute any of them, except he were first called, tried, examined and known to have such qualities as are requisite for the same; and also by public prayer, with imposition of hands, were approved and admitted thereunto by lawful authority. And, therefore, to the intent that these orders may be continued, and reverently used and esteemed in this Church, no man shall be accounted or taken to be a lawful Bishop, Priest or Deacon, in this Church, or suffered to execute any of the said functions, except he be called, tried, examined and admitted thereunto, according to the form hereafter following, or hath had Episcopal consecration or ordination." They are the same orders which are to be continued, used and esteemed, and the "said functions" which are to be executed "within this Church."

sent question, we are first arrested by the collect, which is to be substituted for that for the day. In this, the Church prays, that Almighty God will give His grace "to all Bishops, the pastors of" His "Church, that they may diligently preach" His "Holy Word and duly administer the godly discipline thereof." It would be difficult to frame a more distinct acknowledgment, or one more solemn, that the office of a Bishop includes that of a pastor, and that that office consists in the ministry of the Word and the government of the Church.

The same ideas are repeated in the very next prayer, the first which is said after the presentation of the Bishop elect. In this, the Church addresses, to the Throne of Grace, the following petition:

"Mercifully behold this Thy servant now called to the work and ministry of a Bishop, and so replenish him with the truth of Thy doctrine, and adorn him with innocency of life, that both by word and deed he may faithfully serve Thee in this office, to the glory of Thy name, and the edifying and well governing of Thy Church."

The same doctrine is reiterated in the prayer immediately before the laying on of hands. In this, the petition is:

"Grant, we beseech Thee, to this Thy servant such grace, that he may evermore be ready to spread abroad Thy Gospel, the glad tidings of reconciliation with Thee, and use the authority given him not to destruction, but to salvation."

These passages seem to leave no doubt as to the doctrine of the American Church, on several points connected with the Episcopate. That office of a Bishop which she receives, is that which has always existed in

the Church of God, and therefore possesses its ancient and inherent rights and functions. As to what these are, she clearly accepts Hooker's definition, and regards the ministry of the Word and Sacraments and the chiefty of government as the elements of the Episcopal office, and as so closely combined therein that they cannot be separated. In order to ascertain the extent to which she allows these elements to operate, we must seek further. In the mean time, there are other passages which bear on the general question to be examined.

The Church undoubtedly regards the two elements of the Episcopal character as inseparable; but there are, nevertheless, passages in the Ordinal, which, while they do not countenance the idea of a possible separation between them, treat of them distinctly.

Of these, the first is the promise exacted of the Bishop elect, in the very first question, which he is called on to answer. The presiding Bishop demands:

"Are you determined out of the same Holy Scriptures to instruct the people committed to your charge?"

The answer is: "I am so persuaded and determined by God's grace." Here the office of a minister of the Word is recognized, not merely in a general, or, as it were, abstract way, but in connexion with the people of the diocese. They are the only people, who are committed to the care of the Bishop as such; in virtue that is of the office, which he is about to receive, and of his fitness to execute which these questions are designed as tests.

The next question is: "Will you then faithfully exercise yourself in the Holy Scriptures, that you may

be able by them to teach and exhort with wholesome doctrine, and to withstand and convince the gainsayers?" The answer is: "I will do so by the help of God."

When the presiding Bishop immediately after the Consecration delivers to the newly consecrated Bishop the Bible, he is directed to say:

"Give heed unto reading, exhortation and doctrine; think upon the things contained in this Book; be diligent in them, that the increase coming thereby may be manifest unto all men, for by so doing thou shalt both save thyself and them that hear thee."

So, in the last collect, which is to be said immediately before the benediction, we find these words:

"Most Merciful Father, we beseech Thee to send down upon this Thy servant Thy heavenly blessing, and so endue him with Thy Holy Spirit, that he, preaching Thy Word, may not only be earnest to reprove, beseech and rebuke, with all patience and doctrine, but," &c.

It is then impossible to doubt, that the American Church regards the office of a Bishop as including that of a minister of the Word to his diocese. Moreover, it is equally clear, that, in her Consecration office, she places all whom she consecrates under the most stringent obligations to perform that ministration. But if a Bishop be a minister of the Word, he must also be a minister of the Sacraments. The ancient Bishops, to whose office ours are set apart, were both, and the two have, as a general rule, always been regarded as inseparable. The only exceptions are those in which a subordinate ministry of the Word has

sometimes been committed to persons not yet admitted to the ministry of the Sacraments. But these exceptional cases are not applicable as precedents to the case of our Bishops, who, before their consecrations, are ministers of both.

The fourth canon of the Convention of 1850, recognizes the union of these two functions into one office, and the possession of that office by the Bishops. That canon was made for the purpose of regulating the exercise of the Episcopal right of visitation which it declares to be, among other things, for the purpose of ministering the Word of God, and if he think fit, the Sacrament of the Lord's Supper.

The Bishop is then the minister of the Word and Sacraments to all the people of his diocese. He is so recognized by the American Church in the Office of Consecration itself. This then is one of the inherent rights of his office, of which he can no more be deprived than he can be deprived of the power of ordination. But the exercise of this right, like the exercise of any other, may be regulated by law. How has it been regulated in the American Church?

It may be considered as consisting of two parts. One of these includes the duty and right of performing certain religious offices, the celebration of which is, by the laws of the Church, exclusively committed to Bishops. These are, in our Church, only three in number,—ordination, confirmation, and the consecration of churches and chapels. These things do not, strictly, belong to the ministration of the Word and Sacraments; although two of them are under our rubrics closely connected with the Lord's Supper; yet

they have, practically, been regarded as belonging to that ministry. They are rites and ceremonies of the Church; as such, the performance of them has, in all ages, been reserved to the ministers of the Word and Sacraments.

Ordination, which viewed on another side is an act of government, is by the law and usage of the Universal Church performed only by Bishops. It is unnecessary to prove this. Our own Church is no exception to the rule. The rubrics of the ordination services leave no room for doubt on the subject; which is, moreover, made the subject of a special answer in the Office for Consecration itself.

Confirmation is, throughout the Western Church, regarded as a peculiarly Episcopal office. The consecration of churches and chapels is made so by a special law of our own Church; similar laws exist, however, in every branch of the Church. Our own laws, relating both to this matter and to Confirmation will be found in the rubrics to the appropriate offices, which our Church has set forth, to be used on such occasions.

Preaching and the celebration of the two Holy Sacraments and of the other rites and ceremonies of the Church "are common to Bishops and other presbyters, as they constitute the office of a minister of the Word and Sacraments." This is an office which both hold, which is inherent in both, and of which neither can be deprived, except by removal from his order in the Church. The mode of performing these offices, by both, has been regulated in the appropriate formularies set forth for that purpose. But there has been no

attempt to regulate the times or places, in which the Bishop of the diocese shall be bound, or shall have a right, to perform these functions. Nor has any attempt been made to draw a line between the occasions on which they shall be performed by a presbyter, and those on which they are reserved to the Bishop. So far as any written law of the American Church, or of the Church of England, or of the Universal Church is concerned, Bishops are now, as their earliest predecessors were, the principal ministers of the Word and Sacraments throughout their respective dioceses. The only limitation, to which the powers involved in that character or the exercise of them has been subjected, is that, which arises from the recognition of parishes and congregations, and permanent parochial and congregational ministers.

That these institutions must somewhat modify the exercise of the right, which the Bishop possesses as the chief pastor of the diocese, is plain enough. That they do not entirely take it away is equally plain. For the Bishop is, by his consecration, constituted the chief pastor of the diocese, and the functions of a minister of the Word and Sacraments are inherent in his office. If that office be of Divine institution, the rights inherent in it cannot be taken away from him, who possesses the office; if it be of human origin, they cannot be taken away without changing the nature of the office, and making it a different one from that which the Church has recognized. It is clear, that, even on the latter supposition, such a change can only be made by a formal and direct act of the Church; it cannot be the accidental result of arrangements made for

other purposes and with other views. But to take away from any officer all right of exercising the functions of his office, except at the will of an individual, is virtually to take away his office. Such a state of things differs from that in which it is merely regulated; as is the case in our Church, in the regulation of ordination by requiring the Bishop to act only with the assent of certain public bodies, which are constituted by and responsible to the Church. In the case first supposed, the regulation does not control the discretion of the officer by the authority of the Church,—but subjects it to the will of an individual, who is thus able to prevent him from exercising his office at pleasure, and without any responsibility.

The rights of the Bishop, as a minister of the Word and Sacraments and as the chief pastor of his diocese, extend to every portion of the diocese. But if they are excluded from any portion of the diocese by the rights of the parochial and congregational ministers, they are equally excluded from all. Under the parochial system, every inch of territory within a diocese is included within some parish, and every individual living on such territory lives, at once, under the jurisdiction of the Bishop and of the parochial clergyman. Under the congregational system, every individual, who acknowledges the jurisdiction of the Bishop, is a member of some congregation, and acknowledges also the jurisdiction of the minister of that congregation. Under both, the ordinary control of the buildings set apart for public worship, is in the hands of the parochial and congregational ministers. If they have the right of excluding their Bishop from the perfor-

mance of his functions as a minister of the Word and Sacraments, in their churches and to the persons under their jurisdiction, there are no places in which and no persons for whom he can exercise those functions. He would then be virtually deprived of his office as minister of the Word and Sacraments to the whole diocese.

If the Bishop be also the minister of a parish or congregation, that is an accident, which can make no difference in his rights. For he then acts in a double character, and exercises the functions of a minister of the Word and Sacraments, in that parish or congregation, not as their Bishop, but, as their parochial or congregational minister. Even if there were a cathedral church provided and set apart for him as Bishop, it would not affect the argument; for the Bishop's rights and duties are the same in every portion of the diocese. The providing, then, a place in which and a few persons for whom he could minister, could not affect his relations to the rest of his diocese.

The existence of a right in two clergymen to minister the Word and Sacraments to the same persons, and in the same place, may certainly lead to collisions, where either party is unreasonable or exacting. All power is liable to abuse, so, although we are too apt to forget it, is all liberty; all rights may be exaggerated into wrongs. But unless in extreme cases of this sort, there does not seem to be any great evil in such an arrangement. This will be more evident when it is recollected that it is not honour or profit which can become the subject of dispute, but the

right of labour, and the opportunity of performing duty.

The natural solution of the difficulty would seem to be this. The parochial or congregational priest is clearly the ordinary minister of the Word and Sacraments to his parish or congregation. The Bishop may be regarded as a minister for extraordinary occasions. If a Bishop taking advantage of the vicinity of a church to his residence, should so frequently claim his right of ministering in it, as to make himself its ordinary minister, thus excluding from his proper place the presbyter to whom that position belonged, it would be an abuse of power. There are few or no persons who would not at once see, that the Bishop was usurping a position which belonged to another. On the other hand, every one would agree, that a parish minister, who undertook to exclude his Bishop from all exercise of the ministry of the Word and Sacraments in his congregation, would be guilty of something more than mere rudeness. Practically, the mean is found without much difficulty. Bishops have too much to do, and, moreover, have too strong a sense of propriety, to make any attempt at intruding themselves, as ordinary pastors into the congregations of their clergy; and presbyters are usually glad enough to receive all the aid which their Bishops can possibly give them.

In fact, the only question is: By what right does the Bishop come into the parish Church? Is he merely an invited visiter, brought there at the pleasure of his inviter, or is he there by authority, as the chief pastor of the diocese? Upon this question depends the right of regulating the services in the church upon the

occasion. If the Bishop be an invited guest, his rights extend no further than his invitation. The will of the inviter regulates the extent of the invitation. If, on the other hand, he be there by authority, his authority is the limit of his rights. In either case, there would be no difficulty, in arranging matters to the satisfaction of both parties; supposing that neither be an unreasonable or impracticable man. But in the one case the functions of the Bishop as chief pastor of the diocese are at an end; in the other they are respected.

The only document of authority in the Church, which bears upon this question, except the canon of 1850, on the subject of visitations, is the "Office of Institution of Ministers into Parishes and Churches." This Office contains a letter from the Bishop to the newly elected minister, who is about to be instituted. The letter seems to have been designed to express the views of the Church as to the relations between the Bishop and the parochial clergy. In this document, the Bishop authorizes the presbyter to be instituted to perform the office of a priest in the parish or church, and institutes him into it, "possessed of all power to perform every act of sacerdotal function among the people of the same; you continuing in communion with us and complying with the rubrics and canons of the Church, and with such lawful directions as you shall at any time receive from us." It would not be easy to devise a stronger declaration of the mind of the Church, that the Bishop is to direct the parochial minister in the exercise of his office, not the parochial minister to control the Bishop in the exercise of his. But enough has been said of that portion of

the Episcopal office which relates to the ministry of the Word and Sacraments.

"The Form of Ordaining or Consecrating a Bishop" is not less clear in the second division of his office, than in the first. That second division relates to his powers of government in the Church. There are at least three passages in the Consecration Office, which relate to this matter, besides those which relate to both the elements of the ministry and the governing powers, and to which sufficient reference has already been made.

Thus, the address of the presiding Bishop to the elect, by which the examination is prefaced, speaks of the act about to be performed as admitting a person "to government in the Church of Christ." One of the questions requires a pledge, that the new Bishop "will diligently exercise such discipline, as by the authority of God's Word and by the order of this Church is committed to him." In the address on the delivery of the Bible the newly consecrated Bishop is thus exhorted: "Be so merciful that you be not too remiss; so minister discipline that you forget not mercy."

But the office contains no account of the particulars in which the power of government consists; these must be sought in the history of the Episcopate. In so doing it may be well to consider the subject, first, with reference to diocesan Episcopacy, and afterwards with relation to the extra diocesan authority, which Bishops, in every age of the Church, have exercised.

The diocesan authority, like all other powers of governing, may be divided, as has been already remarked, into legislative, judicial, and executive.

We have seen that, in the primitive Church, the Bishop had the power of laying down canons, or rules, for the government of his diocese. In one point of view, such canons were strictly analogous to the rules of court, which modern tribunals are in the habit of promulgating for their own government in the exercise of their functions, or the rules of order which are established by deliberative bodies for similar purposes. For the Bishop being the judicial officer of the Church, it was considered right, that he should promulgate, for the information of those interested, the rules by which he intended to be bound. In this point of view, the legislative authority of the Bishop is an offset from his judicial authority. It would seem that, in fact, the original idea of a Bishop was that of a judge. But in another point of view the canons might be considered as instructions issued by the Bishop to those under his authority. The canons themselves rested on the authority of the Bishops, but were probably never the mere emanations of their will. From a very early period, perhaps from the earliest, diocesan canons were only made after consultation with the presbyters; although they derived their force from the sanction of the Bishop. At a later period, they were only made in diocesan synods, not without the consent of a majority of the presbyters, but also not without the consent of the Bishop. After the introduction of provincial councils and provincial canons, diocesan canons seem to have fallen into disuse. In the Church of England none have been enacted for several centuries.

The idea has been revived in the American Church,

and each diocese has its constitution, or organic law, under which the powers of government are, to some extent, distributed and regulated. These constitutions commit the making of canons to the convention, or synod, of clergy and laity. In no diocese, except Vermont, has the Bishop any greater voice in this assembly, than any other clergyman; except that as its presiding officer he may sometimes give a casting vote. As Bishop, his will or judgment is not, except in Vermont, consulted in the making of canons. It follows that, except in Vermont, the legislative powers of a Bishop of the American Church in his own diocese have been taken away. How far such an arrangement is consistent with the inherent rights of the Episcopate, it does not fall within the scope of this little work to inquire.

The judicial power of a diocesan Bishop extends over both clergy and laity. So far as the latter are concerned, it is reduced, in the American Church, to a merely appellate jurisdiction. This is perhaps a necessary consequence of the establishment of a parochial or congregational system. The first two rubrics in the Communion Office give to the parochial minister, a jurisdiction to suspend laymen from the right of receiving the Holy Communion. This seems to be the only lay discipline, which our Church practically recognizes. The rubrics require, that the minister, in every case of exercising this jurisdiction, "shall give an account of the same to the ordinary," that is to the Bishop. The proceedings of the Bishop, on such occasions, are regulated by the forty-second canon of the General Convention of 1832. That canon relieves

him from the obligation of taking any step in consequence of the report of the parish minister, unless a complaint is made by the suspended person. Such a complaint is virtually an appeal. If the Bishop receive such a complaint, or appeal, he is bound by the canon of 1832, "unless he thinks fit to restore him," the suspended person, "from the insufficiency of the cause assigned by the minister, to institute such an inquiry as may be directed by the canons of the diocese in which the event has taken place." Thus the Bishop has in all such cases an appellate jurisdiction which is absolute as to questions of law, although subject to the control of the diocesan conventions as to matters of fact.

The strictly judicial authority of the Bishop over the clergy, in the direct exercise of discipline, is regulated by the fourth and sixth articles of the Constitution of the General Convention. The sixth article protects it against the presbyters and the diocesan conventions, by providing that: "None but a Bishop shall pronounce sentence of admonition, suspension or degradation from the ministry on any clergyman, whether Bishop, presbyter or deacon." The fourth secures the Bishop of the diocese against the intrusion of other Bishops, by providing that: "Every Bishop of this Church, shall confine the exercise of his Episcopal authority to his proper diocese."

Beyond these limits, the diocesan conventions have the power of regulating the whole matter of judicial proceedings. They have generally provided, that the substantial exercise shall be by courts of presbyters. These are in some dioceses selected by the Bishop, some-

times subject to the negative of the Convention, and sometimes, within certain limits, to that of the accused. But in some dioceses, the members of the court of presbyters are chosen by the Convention, and in others by lot. In others the Bishop exercises his judicial authority in person, with the aid of assessors who are presbyters. In by far the greater number of dioceses, the Bishop has, however, no other practical judicial authority, than is involved in the right of refusing to pronounce a sentence which he disapproves.

Mention has been made of another judicial, or *quasi*-judicial power of the English Bishops; which in its origin belonged to the character of chief pastor. As such, the Bishop had anciently the duty, and consequently the right of providing for the administration, by his presbyters, of the Word and Sacraments throughout the diocese. The institution of parishes and settled ministers modified this function, into a *quasi*-judicial right of deciding on the fitness of a clergyman named for a particular position. This involved the power of rejecting an unfit nominee. While the Bishops possessed the power of disposing of the labours of their clergy as they thought most for the interest of the Church, this species of power could not exist; it, in fact, came in as a substitute, to supply its place, when it departed. The new modification of authority grew out of the right conceded to the founders of churches and their representatives, of naming the ministers who were to officiate in the churches which they had founded. The Bishops naturally retained a negative on such nominations, as a remain of their old power of appointment, and a necessary incident

to the position of chief pastor of the diocese, responsible for the spiritual welfare of every portion of it. This negative was at first absolute, but afterwards came to be limited and regulated by laws and authority external to the Bishop. In both conditions it partook of the nature of judicial power. Connected with it by origin, is the right of licensing clergymen to particular stations, the right of nominating to which was not vested in patrons or *quasi*-founders, because they were not endowed. This was the case, before the Revolution, with all the clerical appointments in most of the colonies. In one or two provinces, there were endowments by law; but there the civil authority had repudiated the Episcopal negative. Now those endowments are gone, and there does not exist among us, to an appreciable extent, any thing like endowments. What we have of that nature is not generally vested in the minister; but it is held by a lay corporation for the benefit of the parish or congregation.

The first of these two powers did not then exist, or at least was not acknowledged, in the colonies which are now the United States; because there were no objects upon which it could be exercised, except in places in which the civil authority would not permit its exercise. The Bishop of London claimed the other, and exercised it formally, but could scarcely be said to possess it practically. During the interval between the commencement of the revolutionary war and the introduction of Bishops into the United States, it fell into disuse; since there was no acknowledged authority by which it could be exercised. It has not

been generally revived in the Church; although in some dioceses, by diocesan canons or constitutions, the Bishop has a negative on the appointment of ministers. In the greater number of dioceses the matter is regulated by the fourteenth canon of the General Convention of 1853. This confines the authority of the Bishop to an inquiry, whether the person elected by the vestry be "a qualified minister of this Church." If he be found to be such, the Bishop has no choice but to accept him. The question, moreover, can only be decided according to rules to be made by the diocesan Conventions. In few, if any, dioceses have such rules been made, and, in practice, the thing has been altogether neglected. The provisions of this canon, so far as they have been mentioned, are much older than the canon itself. They do not seem, however, to be very consistent with the theory of the Institution Office. In that office, the Bishop is made to say to the presbyter about to be instituted; "We do by these presents give and grant unto you, in whose learning, diligence, sound doctrine and prudence, we do fully confide, our license and authority to perform the office of a priest in the parish, or church of E." These words clearly imply some action of the mind of the Bishop, upon questions connected with other qualifications of the person addressed, than the mere possession of Holy Orders, and a personal confidence in him as the result of that action.

The canons on this subject, before that of 1853, were made at early Conventions. The first in 1789, and others in 1804 and 1808. These last two were the Conventions which set forth the Institution Office.

Their canons seem to have been regarded as contemporaneous expositions of that office, or as being, in some way, the governing law of the Church. It is remarkable, that the examination of the qualification of the minister fell into disuse, because it was practically useless. When the clergyman in question has been ordained in the diocese, within which the cure lies, there can be no possibility of doubt on the subject. If he come from another diocese, provision has been made ever since 1804, for his bringing with him evidence of his ordination. Under the existing law, this evidence is required to be a certificate from his former Bishop, which on a question of that sort must be conclusive.

These certificates are generally known by the name of letters dimissory. They may be, and usually are, in a form set out in the seventh canon of 1850, but they may also be in any other form which sets out the true character and standing of the bearer. The prescribed form certifies, in addition to his clerical character, that he has not, so far as the authority giving the certificate knows or believes, "been justly liable to evil report for error in religion or viciousness of life." If a clergyman, who has been called to a parish or congregation, present to the Bishop of the diocese, in which it is situated, a testimonial, certificate or letter in the prescribed form, that Bishop is bound to receive him into his diocese, unless he is prepared to become his accuser before the authorities of his former diocese. Even then, if those authorities should acquit the accused, the objecting Bishop is bound to receive him. This is required by two canons; the seventh of 1850,

and the fourteenth of 1853. These canons are so far an abridgment of the ancient right of the Bishop not to receive into his diocese any clergyman, to whom he had an objection. They require him to state his objection, and to be bound by a decision made by an authority external to his diocese. So far they interfere with his authority as chief pastor.

When a clergyman has not been called to a parish or congregation, or when his letters are not in the prescribed form, as they cannot be, when any thing has occurred to render that form inapplicable, the ancient right of the Bishop to refuse him admission into his diocese is left untouched. But the effect of these canons is to take away the only remaining check which the Bishop had on the appointment of clergymen to parishes and congregations in his diocese. Before them, no clergyman could be appointed to such situations, without some evidence of the confidence of the Bishop of the diocese. This evidence had been given either by a free ordination, or a free admission into the diocese. Now, a Bishop may be compelled to institute a man, to whom he has given no evidence of his confidence, and in whom he may possibly have none.

The *quasi*-judicial power of the American Episcopate in the placing of the clergy, is thus reduced within very narrow limits, if indeed it can be said to exist at all. But there is another *quasi*-judicial power growing out of the peculiar circumstances of our own Church, which seems to call for some remark. It seems to spring directly from the words of the Institution Office. The letter or address contained in that office, to which

so many references have been made, undertakes to provide for the case of a difference between a minister and his congregation, on the subject of a dissolution of the pastoral connexion between them, and to reserve to the Bishop a judicial authority in such cases. It declares, that in case of any difference between the presbyter and his congregation, as to a separation and dissolution of all sacerdotal connexion, the Bishop with the advice of his presbyters, is to be "the ultimate arbiter and judge." A good principle is here laid down, but the laity have, in various ways, so contrived to take the thing into their own hands, as to render the provision nugatory. Sometimes they refuse to choose a minister for more than a limited time, and at the expiration of one engagement decline to enter into another. Sometimes individual laymen, by withdrawing their individual subscriptions, so diminish the fund for the support of the clergyman, as to starve him into a resignation. Both these are abuses and examples of the tyranny to which the clergy are subject; when the laity confound the duty of supporting the Church with the gratification of their own tastes and prejudices. The thirty-third canon of the General Convention of 1832, recognizes the authority of the Bishop in this matter, and provides for its enforcement. The thirty-fourth of the same year, directs the mode of proceeding; this, which was perhaps the best which could have been devised, in 1804, when it was first passed, has, in consequence of the growth of the dioceses, become too cumbrous for use. It requires the convocation of all the pres-

byters of the diocese, and the actual assembling of a majority, to constitute the tribunal.

The executive authority of the ancient Bishops was used in three modes. These were the administration of the diocesan funds, the appointment of officers, including the ordaining of the clergy, and the admonition of offenders. The first of these things has long since disappeared, with the diocesan fund, to which it related. The second, does not exist in America, except so far as the ordaining power constitutes a part of it; for there are here no such diocesan offices, as formerly existed, to which the Bishop could appoint. The diocesan offices, among us, are all of modern creation, and the power of selection, or appointment, is generally in the diocesan Convention. There remain only three portions of the diocesan Episcopal authority of which we are to speak. These are the powers of ordination and admonition, and the modern right of visitation. The last is really a remain of the old chief pastorship; but, viewed on one of its sides, it has acquired a certain character which connects it with the executive department of government.

The power of refusing ordination remains untouched in the hands of our Bishops; but they are prohibited from ordaining any one, unless certain conditions have been fulfilled. Into the details it is not necessary for me to enter, because I have undertaken to treat of the general position of Bishops, not of their minute duties. It will be sufficient to say that our canons impose checks upon the discretion of the Bishops, by requiring various certificates and assents of the Standing Committees, before the Bishops are permitted to act. There

can be no doubt but these checks are entirely consistent with the principle, that the inherent powers of Bishops cannot be taken away; for they plainly only regulate the exercise of the power of ordination; there is as little doubt, that, in the main, these restrictions have worked well.

The right of admonition is recognized in "The Form and Manner of Ordering Priests," where the candidate is made to promise that he will "reverently obey" his "Bishop, and other chief ministers, who according to the canons of the Church may have the charge and government over" him; "following with a glad mind and will their godly admonitions, and submitting himself to their godly judgments." It is also recognized in the Institution Office, in which the priest is instituted, on condition of complying with such lawful directions as he shall at any time receive from the Bishop. It will be observed that the admonitions and judgments, which are to be obeyed, are qualified as "godly," and the directions as "lawful." Some questions have arisen out of these qualifications. It is clear that the "lawful directions of the Institution Office cannot be mere repetitions of the existing laws with directions to obey them. For they are only mentioned as one of several conditions which are coupled together. Among the conditions, with which this is so coupled, is that of "complying with the rubrics and canons of the Church." The condition under consideration would be nugatory unless it implied something more than that with which it is coupled. It is clear, too, that the insertion of the word lawful, qualifies the meaning of the condition, so that the direc-

tions to which it refers, cannot be obligatory if they are unlawful, that is contrary to law. Questions may therefore arise as to whether a particular direction is unlawful. Similar remarks may be made with respect to the "godly admonitions" and "godly judgments" of the Ordinal. Who is to decide the question, whether a particular admonition or judgment is godly, or a particular direction lawful?

The solution of this question seems to be the same in each of its phases. The word "lawful" cannot be restricted to things *prescribed* by law. Still less can the word "godly" be used in that sense; which in truth it will not bear. They must be understood as applying to every thing which is not unlawful or ungodly. The object of the passages, in which they occur, is to introduce or enforce the idea of obedience. This idea involves that of submission to the judgment of a higher power. But it is not consistent with the idea of responsibility to several powers, which are in subordination to each other, that submission to the judgment of any authority, other than the highest, should be absolute and unlimited. The rights of conscience require, that no man should be compelled to do that, which, in his conscience, he believes to be ungodly or unlawful. But, on the other hand, if men are to act together at all, there must be some means of settling, for the community, what is the law under which they are to act.

No man can be bound to do that which he believes to be evil; but, if he is to act in concert with others, he must act under authority, and it is of the nature of authority, that it may oblige men to do that which

they may think unpleasant, inconvenient, nugatory, or inexpedient. It then seems clear, that unless the conscience of the inferior tell him, not merely that the act which he is required to do is unpleasant or inconvenient to himself, or useless or inexpedient for the public, or even all four, but that it is absolutely sinful, contrary to the law of God, he is bound to obey. The rule of his obedience is the lawfulness of the command, its consistency with law, not his own judgment as to its propriety in any other point of view. Moreover, his disobedience is to be justified as an assertion of the rights of conscience, not of an abstract idea of liberty, which may lead him to doubt whether the command given be warranted by some existing law.

Yet it is certain, that Ecclesiastical authority has its limits, and that no man can be bound to obey any Ecclesiastical authority which transgresses those limits. What the limits are, may be ascertained from the principles just laid down. But there will always be differences of opinion about them. Authority and liberty are really inconsistent things, and cannot exist universally, without one of them destroying the other. But each must be allowed its own domain, although both are liable to abuses. Moreover, the temptation of those in authority has always been to press it too far; while that of those under authority is to set too much value on liberty. These things should teach both parties forbearance; so that men in authority should not press their authority quite to what seems to them its legitimate extent, and those under authority should submit to it, although it may seem to them to be infringing on their reasonable liberty.

Still, there are circumstances in which an Ecclesiastical inferior may refuse to obey his Ecclesiastical superior. The refusal must be justified, if at all, on one of two grounds; either because it is unlawful or ungodly, or because it transcends the limits of Ecclesiastical authority. In the first case, it is the duty of the inferior to disobey, in the last to obey under protest, unless there be some very strong reason for disobedience. In the first case, the unlawfulness may be, because the command contravenes, not merely transcends, the laws of God, or because it contravenes, not merely transcends, the law of the Church. In the former case, the inferior has no choice but to disobey. The same thing is, in the first instance, true in the latter case. In both too, the question must in some form be submitted to the judgment of the authorities of the Church. When they have decided, a practical difference arises between the two cases. If the original difference were about the laws of the Church, and the decision is against the inferior, it is now his duty to submit, since the law of the Church is now settled. If, however, the original question were about the laws of God, and the defeated party adheres to his original views, he cannot submit, but will probably feel himself obliged to leave the Church; since her laws are now ascertained to conflict with his idea of the law of God. Such is the rule, by which the question of submission is to be decided. But another question remains. Who is to apply the rule? In other words, Who is to decide whether the conduct of the party has been conformable to the rule?

The answer to this question must be, that, in the first

instance, each party must decide for himself; for every man, who is called upon to act, must, for himself, interpret the law under which he is to act. But it does not follow that his interpretation is final. If men are to act together, they must act under authority; and, moreover, there must be somewhere a power to decide, for the community, the extent of that authority. This higher power can scarcely be intrusted, either to the party exercising the disputed authority, or to him over whom it has been exercised. The one would nullify the authority; the other press hard upon liberty. The result is, that the decision must be left to the judicial authorities of the Church; whose decision must settle the question for the Church. Should either party, having more confidence in his own private judgment, than in the judgment of the public authorities of the Church, retain his former opinion, he will have a new question to decide. In so doing he must still follow the dictates of his own conscience. As in other cases, in which the private judgment of the individual differs from the public judgment of the Church, he is to decide whether the Church is so far wrong as to justify him in withdrawing from her pale.

The ancient function of admonition included also, that which was probably, in primitive times, its principal mode of exercise, the right of announcing to an individual, that his conduct has been improper, and will, if persisted in, draw down upon him the censure of the Church. This exercise of authority must be in its nature private. There is no law restricting or regulating it; and it is probable that it is still extensively exercised. In ancient times this sort of admo-

nition was required as a necessary preliminary step to all proceedings, by which it was sought to subject any person to Church censures. Perhaps it is to be regretted, that no trace of this ancient rule remains in the discipline of the American Church.

The right of visitation belongs, to the Episcopal office, both as it is a ministry of the Word and Sacraments, and as part of the executive division of the governing power. In both phases, it is recognized by the American Church, as is shown by the canon, the fourth of 1850, which regulates its exercise. It is there declared to be the duty of every Bishop to "visit the Churches within his diocese, for the purpose of examining the state of his Church, inspecting the behaviour of his clergy, ministering the Word, and, if he think fit, the Sacrament of the Lord's Supper to the people committed to his charge, and administering the Apostolic rite of Confirmation." The immediate object of this canon, which is in the main a re-enactment of one as old as 1789, seems to have been the correction of the abuse, which prevails in almost every part of the Church, of visiting a whole division of the diocese at once. It revives and enforces the duty of visiting severally every parish. Incidentally it recognizes the duty of the Bishop to be acquainted with the condition of the diocese, and the manner in which his clergy conduct themselves. It thus furnishes both materials and opportunity, for the exercise of the Episcopal authority by way of admonition.

Another canon, the twenty-sixth of 1832, relates to the duty of ministers and churchwardens on occasion of such visitations. It provides, that they shall

give to the Bishop information of the state of the congregation under such heads as shall be committed to them under the notice of visitation, or that if, on any account, a Church cannot be visited in any year, inquiries may be made, in a similar manner, to be answered at the Convention. This seems to be a recognition of the English practice, not now much used, of addressing heads of inquiry to each parish.

There now remains nothing to the completion of our plan, but to say something of that extra diocesan authority, which has always been found inseparable from a diocesan Episcopate. This had its origin in the fact that the Episcopate was not necessarily diocesan; the idea of territorial divisions was not expressed in the original commission upon which the Episcopal office rests. Every Bishop, although consecrated for a particular diocese, retains therefore an interest in the general commission to preach the Gospel to all the world and to disciple all nations. It has been generally received as a principle, that every diocesan Bishop may act on this commission, beyond the limits of his diocese, wherever charity or the good of the Church requires such action. It is, however, a very delicate question, whether, in any particular case charity and the good of the Church do require such action. Even in the case of a diocese which had a Bishop of its own, it is admitted that such cases may occur, while, on the other hand, it is also agreed that they are very few. The American Church has committed the right of deciding the question, whether such a case has occurred to the Bishop of the diocese

within which it occurs, unless he should be at the time under suspension.

The cases of vacant dioceses and places in which no dioceses have been formed are on different grounds. The interference of Bishops even in those places has been generally confined to the ministry of the Word and Sacraments, and to providing for their wants, by ordaining clergy and consecrating Bishops. The American Church has, however, in a few cases of necessity authorized the exercise of governing power in a vacant diocese, by the Bishop of another diocese, on the invitation of the Standing Committee.

By the fourth article of the Constitution of the General Convention, Bishops are required to exercise their Episcopal powers in their respective dioceses, unless their assistance be required in a vacant diocese. The obvious meaning is, that the Bishops are not to act beyond their own limits, unless in vacant dioceses. But the necessity of the case has led to an interpretation by which the exception is extended to the case of a diocese whose Bishop is under suspension. It is not, however, understood that in either case a Bishop can, out of his own diocese, exercise any governing powers other than those of ordination, and of pronouncing sentence upon clergymen convicted of offences.

Nevertheless, where Bishops have been selected by the Conventions of vacant dioceses to take provisional charge of them, during the vacancy, they have sometimes presided in diocesan Conventions, and, perhaps, performed other acts of jurisdiction. In other cases of vacant dioceses, the Standing Committees, if there

should be occasion, specially invite a Bishop to pronounce any sentence, which circumstances may require should be pronounced. There are also canons which regulate the mode of ordaining for vacant dioceses, and therefore recognize to that extent the power of extra-diocesan ordination. As to places beyond the limits of the United States, the extra-diocesan powers of American Bishops remain untouched.

The consecration of a Bishop for a vacant diocese has always been regarded as a work of necessity and charity, calling for, and justifying the extra-diocesan interference of neighbouring Bishops. In the American Church this matter is regulated by canons, the general effect of which is strikingly like that of the fourth canon of the Council of Nice, except that they provide for a previous election. The American Church recognizes several classes of Bishops. She uses the word diocese, in a peculiar sense, for a district in which the clergy and laity have organized themselves into a convention, or synod, and adopted the Constitution under which the confederated dioceses are united. In such a diocese the Bishop must be elected agreeably to such rules as the diocesan Convention may prescribe. and the election is always by that convention itself. Previous to the consecration, assent to the performance of that rite must be obtained, either from the House of Clerical and Lay Deputies in the General Convention, or from the Standing Committees of a majority of the dioceses. This is analogous to the ancient form of confirmation.

Such are the Bishops whom the American Church designates as diocesan Bishops. Assistant Bishops are

chosen to aid diocesan Bishops who labour under permanent physical disability. Provisional Bishops are of two sorts. One is a diocesan or missionary Bishop, placed temporarily in charge of a vacant diocese. The other is a Bishop chosen to supply the place of a diocesan Bishop, who is under suspension. Both Assistant Bishops, and the last mentioned class of Provisional Bishops, have the right of succeeding, on the death or resignation of the diocesan Bishop. They are, therefore, elected and consecrated in the same manner with the diocesan Bishops.

Domestic Missionary Bishops are those who preside over a district of country, within the United States, which is not organized into a diocese. They are entitled to seats in the House of Bishops, in the General Convention, and have a share in the government of the United Church. Foreign Missionary Bishops are consecrated to preside over bands of missionaries sent to operate in foreign countries. Both these classes of Bishops are to be elected by the House of Clerical and Lay Deputies, on the nomination of the House of Bishops; that is, they are elected by the House of Bishops, subject to a vote, not very likely to be exercised, on the part of the other House.

The tenth section of the Constitution recognizes and regulates the right of consecrating Bishops, other than Missionary Bishops, to exercise their office beyond the limits of the United States. It requires an application from the foreign country, and the approbation of a majority of the American Bishops, after which the presiding Bishop is to take order for the consecration.

The principle, that Bishops might when it was re-

quired by necessity or charity, act beyond the limits of their respective dioceses, was not, in primitive times, confined to ordination or the ministration of the Word and Sacraments. It seems to have been upon this principle, that the institution of synods rested. These were, at a very early period, held twice in each year, and their object was declared to be, to examine among themselves the decrees concerning religion, and settle the Ecclesiastical controversies which have occurred. The meaning of these expressions seems to be, that they have both a legislative and a judicial authority. Each of these was exercised upon two classes of subjects. As legislative bodies, the synods made canons of discipline, and acted upon doctrinal questions. In their judicial capacity, they heard complaints against each other, and received appeals from each other's decisions. For it seems to have been, from the beginning, a principle of Ecclesiastical law, that a Bishop could only be tried by Bishops.

It does not seem ever to have been the intention of the American Church, that the Bishops should exercise the legislative power in any of its branches, except under the check of a negative in the representatives of the clergy and laity. It seems to have been understood, although it is nowhere expressed, that all legislative power belongs to the Conventions. The line between the authority of the General, and that of diocesan Conventions has not been defined; but the better opinion seems to be, that both may legislate upon any subject, though in case of a conflict of laws, those made by the General Convention shall prevail. So far as the Bishops are concerned, which is the only

part of the matter which really falls within the scope of the present work, the law is clearly enough expressed. They have a right of originating measures, which, with the assent of the other House, become laws; and they have a negative on measures proposed by the other House, on condition of signifying their dissent, with the reasons for it, within three days.

The General Convention, which is composed of the House of Bishops, and that of Clerical and Lay Deputies, makes canons of discipline, and governs the general affairs of the Church. It has exercised the right of legislating in matters of doctrine, so far as the adoption and alteration of formularies of devotion and articles of religion involve the exercise of that right. The definition of doctrine in any other form it has never attempted; and it is not supposed to possess such a power. Nor have the Bishops sitting as a Council, without the check of the House of Deputies, attempted any thing of the kind. The Bishops do sometimes resolve their House into a Council, and are authorized to meet on other occasions as a Council; but this is always for the transaction of business of a judicial or *quasi*-judicial character.

The General Convention is a purely legislative body, and has no judicial powers. The right of instituting tribunals for the trial of clergymen, other than Bishops, belongs to the diocesan conventions, and no provision has yet been made for an appeal beyond the diocese. The last remark is also true, with respect to courts for the administration of discipline upon the laity. The American Church has not yet recognized the principle of an appeal beyond the diocese, and our

collective Bishops have practically no appellate jurisdiction.

The principle that a Bishop can only be tried by Bishops was, certainly, not one of those which the American Church recognized at her first organization. Nor has it yet been announced by any authoritative act. It is now, however, so generally acknowledged, that no scheme of a court for the trial of Bishops, in which it was not practically acted upon, would stand any chance of adoption. In the original Constitution, it was provided, that the diocesan conventions might prescribe the mode of trying Bishops as well as other clergymen. In the only case which occurred under this provision, the accused was tried by a court of Bishops; and the fact of the trial led to an alteration in the Constitution, transferring the powers of the diocesan conventions in the premises, to the General Convention. Under all the canons, which that body has yet passed on the subject, the trial has been intrusted to a court composed of all the Bishops of the Church. A presentment previous to the trial, has been required as its ground work, to be made either by three Bishops or by a diocesan Convention. These arrangements have not given satisfaction to the Church, and it is not probable that they will be long continued. But in no event is there any danger of the abandonment of the principle, that a Bishop can only be tried by Bishops.

Our Bishops collectively possess, under several canons, some fragments of judicial or *quasi*-judicial power; such as deciding on the acceptance or refusal of the resignation of a Bishop, of pronouncing sentence

upon a Bishop upon his confession or submission, or upon evidence of his having abandoned the Communion of the Church, and of terminating sentences of suspension. These are all parts of the ancient functions of synods; which have been recognized and restored, after it was supposed that they had been interfered with, by some former act of the American Church.

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